

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Editor

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

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SPECIAL NOTICES

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT, LIBRARY

PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications List No. 00-05, dated March 3, 2000. For copies of the complete list, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773. This list is available on the World Wide Web at: <http://www.state.lib.ut.us/publicat/publicat.htm>.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between February 16, 2000, 12:00 a.m., and March 1, 2000, 11:59 p.m., are included in this, the March 15, 2000, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [example]). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least April 14, 2000. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through July 13, 2000, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Administrative Services, Purchasing and General Services

R33-3

Source Selection and Contract Formation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22678

FILED: 02/18/2000, 18:02

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide clarifications and improvements to the Procurement Rules.

SUMMARY OF THE RULE OR CHANGE: Clarifies when and how amendment to bids, multistep bids, and request for proposals should be issued.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-56-7

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None to our knowledge--the proposed rule changes neither impose new requirements nor remove existing requirements; the changes simply clarify when and how amendments to bids, multistep bids, and requests for proposals should be issued.

❖LOCAL GOVERNMENTS: None--Utah Procurement Policy Board Rules do not apply to local governments.

❖OTHER PERSONS: None to our knowledge--the proposed rule changes neither impose new requirements nor remove existing requirements; the changes simply clarify when and how amendments to bids, multistep bids, and requests for proposals should be issued.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None to our knowledge--the proposed rule changes neither impose new requirements nor remove existing requirements; the changes simply clarify when and how amendments to bids, multistep bids, and requests for proposals should be issued.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes provide minor clarifications and changes and should have no fiscal impact on businesses--Raylene Ireland

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Administrative Services
Purchasing and General Services
3150 State Office Building
Salt Lake City, UT 84114-1061, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Douglas Richins at the above address, by phone at (801) 538-3143, by FAX at (801) 538-3882, or by Internet E-mail at drichins@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/2000

AUTHORIZED BY: Douglas Richins, Director

R33. Administrative Services, Purchasing and General Services. R33-3. Source Selection and Contract Formation.

R33-3-1. Competitive Sealed Bidding; Multi-Step Sealed Bidding.

3-101 Content of the Invitation For Bids.

(1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.

(2) Content. The Invitation for Bids include the following:

(a) Instructions and information to bidders concerning the bid submission requirements, including the time and closing date for submission of bids, the address of the office to which bids are to be delivered, and any other special information;

(b) The purchase description, evaluation factors, delivery or performance schedule, and inspection and acceptance requirements not included in the purchase description;

(c) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

(3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where the documents can be obtained.

(4) Acknowledgement of Amendments. The Invitation for Bids shall require the acknowledgement of the receipt of all amendments issued.

3-102 Bidding Time. Bidding time is the period of time between the date of distribution of the Invitation for Bids and the date set for opening of bids. In each case bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 10 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined in writing by the Chief Procurement Officer.

3-103 Bidder Submissions.

(1) Bid Form. The Invitation for Bids shall provide a form which shall include space in which the bid price shall be inserted and which the bidder shall sign and submit along with all other necessary submissions.

(2) Telegraphic Bids. The Invitation for Bids may state that telegraphic bids and mailgrams will be considered whenever they are received in hand at the designated office by the time specified for bid opening. Telegraphic bids or mailgrams shall contain specific reference to the Invitation for Bids, the time and place of delivery, and a statement that the bidder agrees to all the terms, conditions, and provisions of the Invitation for Bids. Bidders submitting telegraphic or mailgram bids shall submit a formal bid

on the Invitation for Bids form within three days of the bid opening date or a time designated by the procurement officer.

(3) Bid Samples and Descriptive Literature.

(a) Descriptive literature means information available in the ordinary course of business which shows the characteristics, construction, or operation of an item and assists the purchasing agency in considering whether the item meets requirements or criteria set forth in the invitation.

(b) Bid sample means a sample to be furnished by a bidder to show the characteristics of the item offered in the bid.

(c) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.

(d) Samples of items, when called for in the Invitation for Bids, must be furnished free of expense, and if not destroyed by testing, will upon request, be returned at the bidder's expense. Samples submitted by the successful bidder may be held for comparison with merchandise furnished and will not necessarily be returned. Samples must be labeled or otherwise identified as called for by the purchasing agency.

(4) Bid Security. Bid and performance bonds or other security may be required for supply contracts or service contracts as the procurement officer deems advisable to protect the interests of the purchasing agency. Any requirements must be set forth in the solicitation. Bid or performance bonds should not be used as a substitute for a determination of bidder or offeror responsibility.

(5) Bid Price. Bid prices submitted in response to an invitation for bids must stand alone and may not be dependent upon a bid submitted by any other bidder. A bid reliant upon the submission of another bidder will not be considered for award.

3-104 Public Notice.

(1) Distribution. Invitation for Bids or notices of the availability of Invitation for Bids shall be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing reasonable competition. Notices of availability shall indicate where, when, and for how long Invitation for Bids may be obtained; generally describe the supply, service, or construction desired; and may contain other appropriate information. Where appropriate, the procurement officer may require payment of a fee or a deposit for the supplying of the Invitation for Bids.

(2) Publication. Every procurement in excess of \$20,000 shall be publicized in any or all of the following:

(a) in a newspaper of general circulation;

(b) in a newspaper of local circulation in the area pertinent to the procurement;

(c) in industry media; or

(d) in a government publication designed for giving public notice.

(3) Public Availability. A copy of the Invitation for Bids shall be made available for public inspection at the procurement officer's office.

3-105 Bidder List; Prequalification.

(1) Purpose. Lists of qualified prospective bidders may be compiled and maintained by purchasing agencies for the purpose of soliciting competition on various types of supplies, services, and construction. Qualifications for inclusion on the lists may include legal competence to contract and capabilities for production and distribution as considerations. However, solicitations shall not be restricted to prequalified suppliers, and unless otherwise provided inclusion or exclusion on the name of a business does not determine

whether the business is responsible with respect to a particular procurement or otherwise capable of successfully performing a contract.

(2) Public Availability. Subject to procedures established by the procurement officer, names and addresses on bidder lists shall be available for public inspection.

3-106 Pre-Bid Conferences.

Pre-bid conferences may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders known to have received an Invitation for Bids. The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment as provided in section 3-107 and the Invitation for Bids and the notice of the pre-bid conference shall so provide. If a written summary of the conference is deemed advisable by the procurement officer, a copy shall be supplied to all those prospective bidders known to have received an Invitation for Bids and shall be available as a public record.

3-107 Amendments to Invitation for Bids.

(1) Application. Amendments should be used to:

(a) make any changes in the Invitation for Bids including changes in quantity, purchase descriptions, delivery schedules, and opening dates;

(b) correct defects or ambiguities; or

(c) furnish to other bidders information given to one bidder if the information will assist the other bidders in submitting bids or if the lack of information would be inequitable to other bidders.

(2) Form. Amendments to Invitation for bids shall be identified as such and shall require that the bidder acknowledge receipt of all amendments issued.

(3) Distribution. Amendments shall be sent to all prospective bidders known to have received an Invitation for Bids.

(4) Timeliness. Amendments shall be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time set for bid opening will not permit proper preparation, to the extent possible the time shall be increased in the amendment or, if necessary, by telegram or telephone and confirmed in the amendment.

3-108 Pre-Opening Modification of Withdrawal of Bids.

(1) Procedure. Bids may be modified or withdrawn by written or telegraphic notice received in the office designated in the Invitation for Bids prior to the time set for bid opening. A telegraphic modification or withdrawal received by telephone prior to bid opening from the receiving telegraph company will be effective if the telegraph company confirms the message by sending a copy of the written telegram showing that the message was received prior to bid opening.

(2) Disposition of Bid Security. Bid security, if any, shall be returned to the bidder when withdrawal of the bid is permitted.

(3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

3-109 Late Bids, Late Withdrawals, and Late Modifications.

(1) Definition. Any bid, withdrawal, or modification received at the address designated in the Invitation for Bids after the time

and date set for opening of bids at the place designated for opening is late.

(2) Treatment. No late bid, late modification, or late withdrawal will be considered unless received before contract award, and the bid, modification, or withdrawal would have been timely but for the action or inaction of personnel directly serving the procurement activity or lateness otherwise not attributable to bidder's fault or negligence.

(3) Records. Records equivalent to those required in section 3-108 (3) shall be made and kept for each late bid, late modification, or late withdrawal.

3-110 Receipt, Opening, and Recording of Bids.

(1) Receipt. Upon receipt, all bids and modifications will be time stamped, but not opened. They shall be stored in a secure place until bid opening time.

(2) Opening and Recording. Bids and modifications shall be opened publicly, in the presence of one or more witnesses, at the time and place designated in the Invitation for Bids. The names of the bidders, the bid price, and other information as is deemed appropriate by the procurement officer, shall be read aloud or otherwise be made available. The opened bids shall be available for public inspection except to the extent the bidder designates trade secrets or other proprietary data to be confidential as set forth in subsection (3) of this section. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. Make and model, and model or catalogue numbers of the items offered, deliveries, and terms of payment shall be publicly available at the time of bid opening regardless of any designation to the contrary.

(3) Confidential Data. The procurement officer shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the procurement officer shall inform the bidders in writing what portions of the bids will be disclosed.

3-111 Mistakes in Bids.

(1) If a mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible, but at the discretion of the procurement officer and to the extent it is not contrary to the interest of the purchasing agency or the fair treatment of other bidders.

(2) Mistakes Discovered Before Opening. A bidder may correct mistakes discovered before bid opening by withdrawing or correcting the bid as provided in section 3-108.

(3) Confirmation of Bid. When it appears from a review of the bid that a mistake has been made, the bidder should be requested to confirm the bid. Situations in which confirmation should be requested include obvious, apparent errors on the face of the bid or a bid unreasonably lower than the other bids submitted. If the bidder alleges mistake, the bid may be corrected or withdrawn if the conditions set forth in subsection (1), (4) and (6) of this section are met.

(4) Mistakes Discovered After Opening But Before Award. This subsection sets forth procedures to be applied in three situations described in paragraphs (a), (b) and (c) below in which mistakes in bids are discovered after opening but before award.

(a) Minor Informalities. Minor informalities are matters of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, the effect on price, quantity, quality, delivery, or contractual conditions is not significant. The procurement officer may waive these informalities. Examples include the failure of a bidder to:

(i) return the number of signed bids required by the Invitation for Bids;

(ii) sign the bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intent to be bound;

(iii) acknowledge receipt of an amendment to the Invitation for Bids, but only if:

(A) it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or

(B) the amendment involved had a negligible effect on price, quantity, quality, or delivery.

(C) Mistakes Where Intended Bid is Evident. If the mistake and the intended bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

(D) Mistakes Where Intended Bid is Not Evident. A bidder may be permitted to withdraw a low bid if:

(i) a mistake is clearly evident on the face of the bid document but the intended bid is not similarly evident; or

(ii) the bidder submits proof of evidentiary value which clearly and convincingly demonstrates that a mistake was made.

(5) Mistakes Discovered After Award. Mistakes shall not be corrected after award of the contract.

(6) Written Approval or Denial Required. The procurement officer shall approve or deny, in writing, a bidder's request to correct or withdraw a bid. Approval or denial may be so indicated on the bidder's written request for correction or withdrawal.

3-112 Bid Evaluation and Award.

(1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids. The Invitation for Bids shall set forth the requirements and criteria which will be used to determine the lowest responsive and responsible bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids. An Invitation for Bids, a Request for Proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, when it is the best interests of the purchasing agency as determined by the purchasing agency. In the event of cancellation of the solicitation or rejection of all bids or proposals received in response to a solicitation, the reasons for cancellation or rejection shall be made a part of the bid file and shall be available for public inspection and the purchasing agency shall (a) re-solicit new bids using the same or revised specifications; or (b) withdraw the requisition for supplies or services.

(2) Responsibility and Responsiveness. Responsibility of prospective contractors is covered by subpart 3-7 of these rules. Responsiveness of bids is covered by Subsection 63-56-5(21) and responsive bidder is defined in Subsection 63-56-5(23).

(3) Product Acceptability. The Invitation for Bids shall set forth the evaluation criteria to be used in determining product acceptability. It may require the submission of bid samples, descriptive literature, technical data, or other material. It may also provide for:

(a) inspection or testing of a product prior to award for such characteristics as quality or workmanship;

(b) examination of such elements as appearance, finish, taste, or feel; or

(c) other examinations to determine whether it conforms with any other purchase description requirements. The acceptability evaluation is not conducted for the purpose of determining whether one bidder's item is superior to another but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering which does not meet the acceptability requirements shall be rejected.

(4) Determination of Lowest Bidder. Bids will be evaluated to determine overall economy for the intended use, in accordance with the evaluation criteria set forth in the Invitation for Bids. Examples of criteria include transportation cost, energy cost, ownership and other identifiable costs or life-cycle cost formulae. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible the evaluation factors shall:

(a) be reasonable estimates based upon information the purchasing agency has available concerning future use; and

(b) treat all bids equitably.

(5) Extension of Time for Bid or Proposal Acceptance. After opening bids or proposals, the procurement officer may request bidders or offerors to extend the time during which their bids or proposals may be accepted, provided that, with regard to bids, no other change is permitted. The reasons for requesting an extension shall be documented.

(6) Only One Bid or Proposal Received. If only one responsive bid is received in response to an Invitation for Bids, including multi-step bidding, an award may be made to the single bidder if the procurement officer finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise, the bid may be rejected and:

(a) new bids or offers may be solicited;

(b) the proposed procurement may be canceled; or

(c) if the procurement officer determines in writing that the need for the supply of service continues but that the price of the one bid is not fair and reasonable and there is no time for resolicitation or resolicitation would likely be futile, the procurement may then be conducted under subpart 3-4 or subpart 3-5, as appropriate.

(7) Multiple or Alternate Bids or Proposals. Unless multiple or alternate bids or offers are specifically provided for, the solicitation shall state they will not be accepted. When prohibited, the multiple or alternate bids or offers shall be rejected although a clearly indicated base bid shall be considered for award as though it were the only bid or offer submitted by the bidder or offeror. The provisions of this subsection shall be set forth in the solicitation, and if multiple or alternate bids are allowed, it shall specify their treatment.

3-113 Tie Bids.

(1) Definition. Tie bids are low responsive bids from responsible bidders that are identical in price.

(2) Award. Award shall not be made by drawing lots, except as set forth below, or by dividing business among identical bidders. In the discretion of the procurement officer, award shall be made in any permissible manner that will discourage tie bids. Procedures which may be used to discourage tie bids include:

(a) where identical low bids include the cost of delivery, award the contract to the bidder farthest from the point of delivery;

(b) award the contract to the identical bidder who received the previous award and continue to award succeeding contracts to the same bidder so long as all low bids are identical;

(c) award to the identical bidder with the earliest delivery date;

(d) award to a Utah resident bidder or for a Utah produced product where other tie bids are from out of state;

(e) if price is considered excessive or for other reason the bids are unsatisfactory, reject all bids and negotiate a more favorable contract in the open market; or

(f) if no permissible method will be effective in discouraging tie bids and a written determination is made so stating, award may be made by drawing lots.

(3) Record. Records shall be made of all Invitations for Bids on which tie bids are received showing at least the following information:

(a) the Invitation for Bids;

(b) the supply, service, or construction item;

(c) all the bidders and the prices submitted; and

(d) procedure for resolving tie bids. A copy of each record shall be sent to the Attorney General if the tie bids are in excess of \$8,000.

3-114 Multi-Step Sealed Bidding.

(1) Definition. Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the purchasing agency, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to arrive at technical offers and terms acceptable to the purchasing agency and suitable for competitive pricing.

(2) Use. The multi-step sealed bidding method will be used when the procurement officer deems it to the advantage of the purchasing agency. Multi-step sealed bidding will thus be used when it is considered desirable:

(a) to invite and evaluate technical offers to determine their acceptability to fulfill the purchase description requirements;

(b) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description;

(c) to accomplish subsections (a) and (b) of this section prior to soliciting priced bids; and

(d) to award the contract to the lowest responsive and responsible bidder in accordance with the competitive sealed bidding procedures.

3-115 Pre-Bid Conferences in Multi-Step Sealed Bidding.

Prior to the submission of unpriced technical offers, a pre-bid conference as contemplated by section 3-106 may be conducted by the procurement officer. The procurement officer may also hold a conference of all bidders in accordance with section 3-106 at any time during the evaluation of the unpriced technical offers.

3-116 Procedure for Phase One of Multi-Step Sealed Bidding.

(1) Form. Multi-step sealed bidding shall be initiated by the issuance of an Invitation for Bids in the form required by section 3-101. In addition to the requirements set forth in section 3-101, the multi-step Invitation for Bids shall state:

(a) that unpriced technical offers are requested;

(b) whether price bids are to be submitted at the same time as unpriced technical offers; if they are, the price bids shall be submitted in a separate sealed envelope;

(c) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

(d) the criteria to be used in the evaluation of the unpriced technical offers;

(e) that the purchasing agency, to the extent the procurement officer finds necessary, may conduct oral or written discussions of the unpriced technical offers;

(f) that bidders may designate those portions of the unpriced technical offers which contain trade secrets or other proprietary data which are to remain confidential; and

(g) that the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids.

(2) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers and they shall be allowed to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the procurement officer, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids shall be canceled in accordance with Subsection R33-~~3-1~~ 3-112(1) of these rules and a new Invitation for Bids issued.

(3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers shall be opened publicly, identifying only the names of the bidders. Technical offers and modifications shall be time stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of bids, a register of bids shall be open to public inspection and shall include the name of each bidder, and a description sufficient to identify the supply, service, or construction item offered. Prior to the award of the selection of the lowest responsive and responsible bidder following phase two, technical offerors shall be shown only to purchasing agency personnel having a legitimate interest in them. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing.

(4) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as:

(a) acceptable;

(b) potentially acceptable, that is, reasonably susceptible of being made acceptable; or

(c) unacceptable. The procurement officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

The procurement officer may initiate phase two of the procedure if, in the procurement officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without modification or alteration of the offers. If the procurement officer finds that this is not the case, the procurement officer shall issue an amendment to the Invitation for Bids or engage in technical discussions as set forth in subsection (5) of this section.

(5) Discussion of Unpriced Technical Offers. Discussion of its technical offer may be conducted by the procurement officer with any bidder who submits an acceptable or potentially acceptable technical offer. During the course of these discussions the procurement officer shall not disclose any information derived from one unpriced technical offer to any other bidder. Once discussions are begun, any bidder who has not been notified that its offer has been finally found unacceptable may submit supplemental information modifying or otherwise amending its technical offer at any time until the closing date established by the procurement officer. This submission may be made at the request of the procurement officer or upon the bidder's own initiative.

(6) Notice of Unacceptable Unpriced Technical Offer. When the procurement officer determines a bidder's unpriced technical offer to be unacceptable, the officer shall notify the bidder. The bidders shall not be afforded an additional opportunity to supplement technical offers.

3-117 Mistakes During Multi-Step Sealed Bidding.

Mistakes may be corrected or bids may be withdrawn during phase one:

(a) before unpriced technical offers are considered;

(b) after any discussions have commenced under section 3-116(5) (procedure for Phase One of Multi-Step Sealed Bidding, Discussion of Unpriced Technical Offers); or

(c) when responding to any amendment of the Invitation for Bids. Otherwise mistakes may be corrected or withdrawal permitted in accordance with section 3-111.

3-118 Carrying Out Phase Two.

(1) Initiation. Upon the completion of phase one, the procurement officer shall either:

(a) open price bids submitted in phase one from bidders whose unpriced technical offers were found to be acceptable; provided, however, that the offers have remained unchanged, and the Invitation for Bids has not been amended; or

(b) invite each acceptable bidder to submit a price bid.

(2) Conduct. Phase two is to be conducted as any other competitive sealed bid procurement except:

(a) as specifically set forth in section 3-114 through section 3-120 of these rules; and

(b) no public notice need be given of this invitation to submit.

3-119 Procuring Governmental Produced Supplies or Services.

Purchasing agency requirements may be fulfilled by procuring supplies produced or services performed incident to programs such as industries of correctional or other governmental institutions. The

procurement officer shall determine whether the supplies or services meet the purchasing agency's requirements and whether the price represents a fair market value for the supplies or services. If it is determined that the requirements cannot thus be met or the price is not fair and reasonable, the procurement may be made from the private sector in accordance with the Utah Procurement Code. When procurements are made from other governmental agencies, the private sector need not be solicited to compete against them.

3-120 Purchase of Items Separately from Construction Contract.

The procurement officer is authorized to determine whether a supply item or group of supply items shall be included as a part of, or procured separately from, any contract for construction.

3-121 Exceptions to Competitive Sealed Bid Process.

(1) The Chief Procurement Officer, head of a purchasing agency or designee may utilize alternative procurement methods to purchase items such as the following when determined to be more practicable or advantageous to the state.

(a) Used vehicles

(b) Livestock

(2) Alternative procurement methods including informal price quotations and direct negotiations may be used by the Chief Procurement Officer, head of the purchasing agency or designee for the following:

(a) Hotel conference facilities and services

(b) Speaker honorariums

(3) Documentation of the alternative procurement method utilized shall be part of the contract file.

R33-3-2. Competitive Sealed Proposals.

3-201 Use of Competitive Sealed Proposals.

(1) Appropriateness. Competitive sealed proposals may be a more appropriate method for a particular procurement or type of procurement than competitive sealed bidding, after consideration of factors such as:

(a) whether there may be a need for price and service negotiation;

(b) whether there may be a need for negotiation during performance of the contract;

(c) whether the relative skills or expertise of the offerors will have to be evaluated;

(d) whether cost is secondary to the characteristics of the product or service sought, as in a work of art; and

(e) whether the conditions of the service, product or delivery conditions are unable to be sufficiently described in the Invitation for Bids.

(2) Determinations.

(a) Except as provided in Section 63-56-21 of the Utah Procurement Code, before a solicitation may be issued for competitive sealed proposals, the procurement officer shall determine in writing that competitive sealed proposals is a more appropriate method for contracting than competitive sealed bidding.

(b) The procurement officer may make determinations by category of supply, service, or construction item rather than by individual procurement. Procurement of the types of supplies, services, or construction so designated may then be made by competitive sealed proposals without making the determination competitive sealed bidding is either not practicable or not advantageous. The officer who made the determination may modify

or revoke it at any time and the determination should be reviewed for current applicability from time to time.

(3) Professional Services. For procurement of professional services, agencies shall submit to bidding procedures wherever practicable through the RFP procedures. Examples of professional services generally best procured through the RFP process are accounting and auditing, court reporters, x-ray technicians, legal, medical, nursing, education, actuarial, veterinarians, and research. The procurement officer will make the determination. Architecture and engineering professional services are to be procured in compliance with R33-5-510.

3-202 Content of the Request for Proposals.

The Request for Proposals shall be prepared in accordance with section 3-101 provided that it shall also include:

(a) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without discussions; and

(b) a statement of when and how price should be submitted.

3-203 Proposal Preparation Time.

Proposal preparation time shall be set to provide offerors a reasonable time to prepare their proposals. A minimum of 10 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined in writing by the procurement officer.

3-204 Form of Proposal.

The manner in which proposals are to be submitted, including any forms for that purpose, may be designated as a part of the Request for Proposals.

3-205 Public Notice.

Public notice shall be given by distributing the Request for Proposals in the same manner provided for distributing an Invitation for Bids under section 3-104.

3-206 Pre-Proposal Conferences.

Pre-proposal conferences may be conducted in accordance with section 3-106. Any conference should be held prior to submission of initial proposals.

3-207 Amendments to Request for Proposals.

Amendments to the Request for Proposals may be made in accordance with section 3-107 prior to submission of proposals. After submission of proposals, amendments ~~may be made in accordance with section 3-118(2)~~ to the Request for Proposals shall be distributed only to offerors who submitted proposals and they shall be allowed to submit new proposals or to amend those submitted. An amendment to the Request for Proposals may be issued through a request for submission of Best and Final Offers. If, in the opinion of the procurement officer, a contemplated amendment will significantly change the nature of the procurement, the Request for Proposals shall be canceled and a new Request for Proposals issued.

3-208 Modification or Withdrawal of Proposals.

Proposals may be modified or withdrawn prior to the established due date in accordance with section 3-108. For the purposes of this section and section 3-209, the established due date is either the date and time announced for receipt of proposals or receipt of modifications to proposals, if any; or if discussions have begun, it is the date and time by which best and final offers must be submitted, provided that only offerors who submitted proposals by

the time announced for receipt of proposals may submit best and final offers.

3-209 Late Proposals, Late Withdrawals, and Late Modifications.

(1) Definition. Except for modification allowed pursuant to negotiation, any proposal, withdrawal, or modification received after the established due date and time at the place designated for receipt of proposals is late.

(2) Treatment. No late proposal, late modification, or late withdrawal will be considered unless received before contract award, and the late proposal would have been timely but for the action or inaction of personnel directly serving the procurement activity or lateness otherwise not attributable to offeror's fault or negligence.

(3) Records. All documents shall be kept relating to the acceptance of any late proposal, modification or withdrawal.

3-210 Receipt and Registration of Proposals.

(1) Proposals shall be opened publicly, identifying only the names of the offerors. Proposals and modifications shall be time stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of proposals, a register of proposals shall be open to public inspection and shall include for all proposals the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply, service, or construction item offered. Prior to award proposals and modifications shall be shown only to purchasing agency personnel having a legitimate interest in them.

(2) Proposals of the successful offeror(s) shall be open to public inspection for a period of 90 days after selection of the successful offeror(s). Proposals of offerors who are not awarded contracts shall not be open to public inspection.

(3) If the offeror selected for award has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the head of the agency conducting the procurement or a designee of this officer shall examine the request in the proposal to determine its validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the head of the agency conducting the procurement or a designee of this officer shall inform the offeror in writing what portion of the proposal will be disclosed and that, unless the offeror withdraws the proposal it will be disclosed.

3-211 Evaluation of Proposals.

(1) Evaluation Factors in the Request for Proposals. The Request for Proposals shall state all of the evaluation factors and their relative importance, including price.

(2) Evaluation. The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Numerical rating systems may be used but are not required. Factors not specified in the Request for Proposals shall not be considered in determining award of contract.

(3) Classifying Proposals. For the purpose of conducting discussions under section 3-212, proposals shall be initially classified as:

- (a) acceptable;
- (b) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
- (c) unacceptable.

3-212 Proposal Discussion with Individual Offerors.

(1) "Offerors" Defined. For the purposes of this section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses which submitted unacceptable proposals.

(2) Purposes of Discussions. Discussions are held to facilitate and encourage an adequate number of potential contractors to offer their best proposals, by amending their original offers, if needed.

(3) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. The procurement officer should establish procedures and schedules for conducting discussions. If before, or during discussions there is a need for clarification or change of the Request for Proposals, it shall be amended in compliance with R33-3-2(3-207) to incorporate this clarification or change. Auction techniques and disclosure of any information derived from competing proposals are prohibited. Any oral clarification or change of a proposal shall be reduced to writing by the offeror.

(4) Best and Final Offers. The procurement officer shall establish a common time and date for submission of best and final offers. Best and final offers shall be submitted only once unless the procurement officer makes a written determination before each subsequent round of best and final offers demonstrating another round is in the purchasing agency's interest, and additional discussions will be conducted or the purchasing agency's requirements will be changed. Otherwise, no discussion of, or changes in, the best and final offers shall be allowed prior to award. Offerors shall also be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

3-213 Mistakes in Proposals.

(1) Mistakes Discovered Before the Established Due Date. An offeror may correct mistakes discovered before the time and date established for receipt of proposals by withdrawing or correcting the proposal as provided in section 3-208.

(2) Confirmation of Proposal. When it appears from a review of the proposal before award that a mistake has been made, the offeror should be asked to confirm the proposal. If the offeror alleges mistake, the proposal may be corrected or withdrawn during any discussions that are held or if the conditions set forth in subsection (4) of this section are met.

(3) Mistakes Discovered After Receipt But Before Award. This subsection sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award.

(a) During Discussions; Prior to Best and Final Offers. Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.

(b) Minor Informalities. Minor informalities, unless otherwise corrected by an offeror as provided in this section, shall be treated as they are under competitive sealed bidding.

(c) Correction of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the correct offer considered only if:

(i) the mistake and the correct offer are clearly evident on the face of the proposal in which event the proposal may not be withdrawn; or

(ii) the mistake is not clearly evident on the face of the proposal, but the offeror submits proof of evidentiary value which clearly and convincingly demonstrates both the existence of a mistake and the correct offer and the correction would not be contrary to the fair and equal treatment of other offerors.

(d) **Withdrawal of Proposals.** If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:

(i) the mistake is clearly evident on the face of the proposal and the correct offer is not; or

(ii) the offeror submits proof of evidentiary value which clearly and convincingly demonstrates that a mistake was made but does not demonstrate the correct offer or, if the correct offer is also demonstrated, to allow correction on the basis that the proof would be contrary to the fair and equal treatment of other offerors.

(4) **Mistakes Discovered After Award.** Mistakes shall not be corrected after award of the contract.

3-214 Award.

(1) **Award Documentation.** A written determination shall be made showing the basis on which the award was found to be most advantageous to the purchasing agency based on the factors set forth in the Request for Proposals.

(2) **One Proposal Received.** If only one proposal is received in response to a Request for Proposals, the procurement officer may, as the officer deems appropriate, either make an award or, if time permits, resolicit for the purpose of obtaining additional competitive sealed proposals.

3-215 Publicizing Awards.

(1) After a contract is entered into, notice of award shall be available in the purchasing agency's office.

3-216 Exceptions to Competitive Sealed Proposal Process.

(1) As authorized by Section 63-56-21(1) the Chief Procurement Officer or designee may determine that for a given request it is either not practicable or not advantageous for the state to procure a commodity or service referenced in section 3-201 above by soliciting competitive sealed proposals. When making this determination, the Chief Procurement Officer may take into consideration whether the potential cost of preparing, soliciting and evaluating competitive sealed proposals is expected to exceed the benefits normally associated with such solicitations. In the event of that it is so determined, the Chief Procurement Officer, head of a purchasing agency or designee may elect to utilize an alternative, more cost effective procurement method, which may include direct negotiations with a qualified vendor or contractor.

(2) Documentation of the alternative procurement method selected shall state the reasons for selection and shall be made a part of the contract file.

3-217 Multiple Award Contracts for Human Service Provider Services.

The Chief Procurement Officer, head of a purchasing agency or designee may elect to award multiple contracts for Human Service Provider Services through a competitive sealed proposal

process by first determining the appropriate fee to be paid to providers and then contracting with all providers meeting the criteria established in the RFP. However this specialized system of contracting for human service provider services may only be used when:

(1) The agency has performed an appropriate analysis to determine appropriate rates to be paid;

(2) The agency files contain adequate documentation of the reasons the contractor was awarded the contract and the reasons for selecting a particular contractor to provide the service to each client; and

(3) The agency has a formal written complaint and appeal process, notice of which is provided to the contractors, and an internal audit function to insure that selection of the contractor from the list of awarded contractors was fair, equitable and appropriate.

KEY: government purchasing

~~[October 21, 1996]~~2000

63-56

Notice of Continuation December 30, 1997



**Administrative Services, Purchasing
and General Services**

R33-5

**Construction and Architect-Engineer
Selection**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22679

FILED: 02/18/2000, 18:02

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To align the Procurement Rules with a change adopted by the 1997 legislature.

SUMMARY OF THE RULE OR CHANGE: The intent of S.B. 95 (1997 legislature) was to restrict the use of the design-build construction method to the Division of Facilities Construction and Management (DFCM) under rules adopted by the Building Board. Therefore, the amendment removes the design-build construction method from those entities governed by the Procurement Rules. S.B. 95 also required that when a "Construction Manager" is utilized, the subcontracts must also be procured through an appropriate procurement method, in compliance with the Procurement Code, thus this clarification in the rule was appropriate.

(DAR Note: S.B. 95 is found at 1997 Utah Laws 89, and was effective May 5, 1997.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-56-7

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None to our knowledge--the proposed rule changes neither impose new requirements nor remove existing requirements.

❖LOCAL GOVERNMENTS: None--Utah Procurement Policy Board Rules do not apply to local governments.

❖OTHER PERSONS: None to our knowledge--the proposed rule changes neither impose new requirements nor remove existing requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None to our knowledge--the proposed rule changes neither impose new requirements nor remove existing requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes provide minor clarifications and changes and should have no fiscal impact on businesses--Raylene Ireland

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

- Administrative Services
- Purchasing and General Services
- 3150 State Office Building
- Salt Lake City, UT 84114-1061, or
- at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Douglas Richins at the above address, by phone at (801) 538-3143, by FAX at (801) 538-3882, or by Internet E-mail at drichins@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/2000

AUTHORIZED BY: Douglas Richins, Director

R33. Administrative Services, Purchasing and General Services.

R33-5. Construction and Architect-Engineer Selection.

R33-5-250. Design-Build or Turnkey: Use.

~~[(1) When the design-build or turnkey method is used the State shall:~~

~~— (a) prepare a set of performance specifications including functional criteria, any life-cycle cost considerations, and other evaluation factors;~~

~~— (b) specify the degree of detail necessary in the design proposal;~~

~~— (c) shall select the contractor on the basis of the evaluation criteria stated in the solicitation;~~

~~— (2) To ensure adequate continuing competition, the State may provide in the solicitation for payment of a stipulated stipend for proposal preparation costs, or a portion thereof.]The use of design-build or turnkey method is not authorized under R33-5.~~

R33-5-260. Construction Manager: Use.

(1) The State may contract with the construction manager early in a project to assist in the development of a cost effective

design. The construction manager may become the single prime contractor, or may guarantee that the project will be completed on time and will not exceed a specified maximum price. This method is frequently used on fast track projects with the construction manager obtaining subcontractors through the issuance of multiple bid packages as the design is developed. The procurement of a construction manager may be based, among other criteria, on proposals for a management fee which is either a lump sum or a percentage of construction costs with a guaranteed maximum cost. If the design is sufficiently developed prior to the selection of a construction manager, the procurement may be based on proposals for a lump sum or guaranteed maximum cost for the construction of the project. The contract with the construction manager may provide for a sharing of any savings which are achieved below the guaranteed maximum cost.

(2) When entering into any subcontract that was not specifically included in the construction manager's cost proposal submitted at the time the contract manager was selected, the construction manager shall procure that subcontractor by using one of the source selection methods authorized by these rules in the same manner as if the subcontract work was procured directly by the state.

KEY: government purchasing

~~[January 25, 1996]2000~~

63-56-1 et seq.

Notice of Continuation December 8, 1997



**Commerce, Occupational and
Professional Licensing
R156-59
Employee Leasing Company Act Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22677

FILED: 02/17/2000, 17:17

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 1999 legislature made several amendments to Title 58, Chapter 59 (S.B. 226), which included changing the name of the licensing act from "Employee Leasing Company Licensing Act" to "Professional Employer Organization Licensing Act." They also amended the statute to require the submission of an annual audited financial statement as a condition of renewal of license. These rules incorporate the statutory changes and make additional technical corrections and clarifications.

(DAR Note: S.B. 226 is found at 1999 Utah Laws 199, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Throughout the rule the phrase "employee leasing company" has been replaced with "professional employer organization (PEO)." In Section

R156-59-102, the following definitions were deleted: "commencing or reentering business," "current financial statements," and "unprofessional conduct." The following definitions were added: "certified audit," "audited financial statement," and "certified public accountant." Section R156-59-302 (Application for Licensure) was deleted. A new Section R156-59-302a (Qualifications for Licensure) was added, which clarifies that a Utah licensed CPA (certified public accountant) is to perform the required audits and financial reports, unless exempt. The new Section R156-59-302a further clarifies and defines the responsibilities of the CPA, as well as the responsibilities of third party administrators (TPA) and actuaries; clarifies the license qualifications for officers, directors, and responsible managers; clarifies that good moral character applies to the officers, directors, and responsible managers of the PEO; and clarifies information with respect to contract forms between the PEO and employee and PEO and the client company. A new Section R156-59-302b was added which clarifies what is required when there is a change in ownership or change in officers, directors, responsible managers, or other persons who have controlling interest in the PEO. A new Section R156-59-303 regarding renewal requirements has been added, indicating that the renewal requirements for licensure include maintaining the qualifications for licensure as set forth in Subsections 58-59-302(3), 58-59-302(4), 58-59-302(5), 58-59-302(6), 58-59-302(7), 58-59-302(8), and 58-59-302(10). Section R156-59-303, (Financial Responsibility) was changed to Section R156-59-306. In this section, the current wording was deleted in its entirety and replaced with new wording which clarifies the reporting requirements for the annual financial statements and the quarterly reports. Section R156-59-304 (Contracts) was deleted in its entirety as information regarding contracts is now covered in Section R156-59-302a. Section R156-59-306 (Expiration of License - Renewal Requirements) and Section R156-59-307 (Reorganization of Employee Leasing Company Business Entity) were deleted in their entirety. Section R156-59-501 (Unprofessional Conduct) was deleted in its entirety as the provisions contained in it are already covered in the statute at 58-59-502. A new Section R156-59-502 is added which clarifies what is required to obtain written approval from the division for sales, transfers, or entering into contracts which commit the PEO to make future payments.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-59-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The division will incur only minimal costs to reprint the rules once they are made effective. Any costs involved will be absorbed in the current division budget.
- ❖LOCAL GOVERNMENTS: These rules do not apply to local governments; therefore, no cost or savings.
- ❖OTHER PERSONS: There will be costs for licensed professional employer organizations or persons applying for licensure as a professional employer organization of

approximately \$5,000 per licensee for CPA-audited financial statements. The cost of the CPA-audited financial statements could vary depending on the size of the professional employer organization business. The proposed rules also require an actuary to participate in part of the required financial reporting. An actuary is the only qualified person who can perform the analysis of determining if the PEO has purchased adequate excess loss insurance, if the PEO is self-funded or partially self-funded. The approximate cost to the licensed professional employer organization or applicant for licensure as a professional employer organization is \$1,000 to \$2,000 each time the report is required. Based on the above information, the division anticipates a total cost to a licensed professional employer organization or persons applying for licensure as a professional employer organization to be between \$6,000 and \$7,000 per year, or \$360,000 to \$420,000 per year based on 60 currently licensed PEOs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be costs for licensed professional employer organizations or persons applying for licensure as a professional employer organization of approximately \$5,000 per licensee for CPA-audited financial statements. The cost of the CPA-audited financial statements could vary depending on the size of the professional employer organization business. The proposed rules also require an actuary to participate in part of the required financial reporting. An actuary is the only qualified person who can perform the analysis of determining if the PEO has purchased adequate excess loss insurance, if the PEO is self-funded or partially self-funded. The approximate cost to the licensed professional employer organization or applicant for licensure as a professional employer organization is \$1,000 to \$2,000 each time the report is required. Based on the above information, the division anticipates a total cost to a licensed professional employer organization or persons applying for licensure as a professional employer organization to be between \$6,000 and \$7,000 per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule amendment filing is to implement the changes made to the licensing act during the 1999 legislative session, in which the name of the licensing act was changed and a requirement was put into the act for annual audited financial statements being submitted by the licensees. This rule amendment also makes technical corrections and clarifications. It is not anticipated that these rule amendments will have any fiscal impact on the state budget or local governments. There will be a substantial impact upon the regulated industry estimated at a minimum of \$300,000 per year based upon approximately 60 licensees at \$5,000+ for CPA-audited financial statements with actuarial participation. However, these costs are entirely attributable to the requirements of the licensing act as amended by the legislature and will not be incurred by the adoption of these rule changes. These additional expenses can be expected to be transferred to the customers of the licensees and eventually will probably impact the general public in increased prices for the goods or services involved--Douglas C. Borba

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.fairhur@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 03/23/2000, 10:00 a.m., 160 East 300 South, Conference Room 4B (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/2000

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing. R156-59. ~~[Employee Leasing Company]Professional Employer Organization Act Rules.~~

R156-59-101. Short Title.

These rules are known as the "~~[Employee Leasing Company]Professional Employer Organization Act Rules~~".

R156-59-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 59, as used in Title 58, Chapters 1 and 59 or these rules:

(1) ~~["Commencing or reentering business" as used in Subsection 58-59-302(6) means that any applicant for licensure, other than a licensee applying for and qualifying for renewal of licensure prior to the expiration of its current license, is subject to the \$50,000 minimum net worth required in that subsection:]~~ "Certified audit", as used in Subsection 58-59-302(6), and "audited financial statement", as used in Subsection 58-59-306(2)(b)(i), means performing inquiry and analytical procedures which provide a basis for expressing assurance that there are no material modifications that should be made to the statements in order for them to be in conformity with the generally accepted accounting principles; and the issuance of a report on the financial statements stating that an audit was performed in accordance with the standards established by the American Institute of Certified Public Accountants.

(2) ~~["Current financial statements" means a statement of financial position (balance sheet), and a statement of earnings (income or profit and loss statement) including the schedules and notes that pertain thereto for a period of time ending no earlier than the last tax year end of the entity for which the statements are submitted. Statements are to be prepared in accordance with generally accepted accounting principles and presented in a format and in such detail as prescribed by the division:~~

~~—(3)—~~ "Self-funded or partially self-funded insurance plan" as used in Subsection 58-59-302(7) means any plan of insurance or provision of an employee health benefits program ~~[for which the final premium or cost is retrospectively affected or determined after the end of the policy, plan, or fiscal year based upon actual experience and]where risk of loss is borne by the [employee leasing company]~~ professional employer organization.

(3) "Certified public accountant" as used in Section 58-59-306 means a Utah licensed certified public accountant unless exempted under Subsection 58-26-9(1) of the Certified Public Accountant Licensing Act.

~~—(4)—~~ "Unprofessional conduct" as defined in Title 58, Chapters 1 and 59 is further defined, in accordance with Subsection 58-1-203(5), in Section R156-59-501.

~~[R156-59-302. Application for Licensure:~~

~~—(1)—~~ An application for license shall be accompanied by the following documents:

~~—(a)—~~ Certificates of Registration or other satisfactory evidence of current appropriate registration with the:

~~—(i)—~~ Division of Corporations and Commercial Code;

~~—(ii)—~~ Department of Employment Security;

~~—(iii)—~~ Utah State Tax Commission; and

~~—(iv)—~~ Internal Revenue Service; and

~~—(b)—~~ Certification that the applicant will maintain at the business offices of the applicant evidence of current worker's compensation insurance covering every employee leased by the applicant to a client company if licensure is granted, and that such evidence of insurance shall be available for inspection by a representative of the division during normal business hours.

~~—(c)—~~ the form of each and every contract between the employee leasing company and a client company which is used or will be used by the applicant employee leasing company;

~~—(d)—~~ the form of each and every contract between the employee leasing company and each employee of that leasing company who is to be leased to a client company; and

~~—(e)—~~ documentation of financial responsibility as required under these rules and Title 58, Chapter 59, the Employee Leasing Company Act.]

R156-59-302a. Qualifications for Licensure.

(1) In accordance with Subsection 58-59-302(5), the Division will permit an independent certified public accountant to certify in a form prescribed by the Division that the applicant has complied with the requirements set forth in Subsections 58-59-302(3) and (4).

(2) In accordance with Subsection 58-59-302(5), the Division shall require an independent certified public accountant to provide the following evidence of financial responsibility:

(a) a certification in a form prescribed by the Division that the PEO has paid all federal, state, and local withholding taxes, unemployment taxes, FICA taxes, workers' compensation premiums, and employee benefit plan premiums; and

(b) the PEO's audited financial statement for the year immediately preceding the date of the license application.

(3) In accordance with Subsection 58-59-302(7), the Division shall require:

(a) a licensed third party administrator to certify that the applicant is in compliance with the requirements set forth in Subsection 58-59-302(7)(b) and (d); and

(b) a qualified actuary who is a member in good standing of the American Academy of Actuaries to submit a statement of actuarial opinion certifying that the applicant is in compliance with the requirements set forth in Subsection 58-59-302(7)(a).

(4) In accordance with Subsection 58-59-302(9), officers, directors, responsible managers who have signatory authority over fiduciary funds or persons who have a controlling interest in the PEO shall document the following education and experience requirements:

(a) an earned bachelors or post graduate degree in law, accounting, finance or business administration or other related educational program approved by the Division in consultation with the Board and has a minimum of two years of full time paid experience in law, accounting, finance, business administration, management, or other related education and experience approved by the Division in consultation with the Board; or

(b) graduation from high school or have a GED equivalent and have six years of full time paid experience in accounting, finance, business administration, management, or other related experience approved by the Division in consultation with the Board.

(5) In accordance with Subsection 58-59-302(10), good moral character shall be established by evaluating the conduct of the officers, directors, responsible managers who have signatory authority over fiduciary funds or persons who have a controlling interest in the PEO.

(6) In accordance with Subsections 58-59-501(5) and 58-59-502(3), each applicant for licensure as a PEO shall submit a form of the contract to be used between the PEO and the employee and submit a form of the contract to be used between the PEO and the client company to whom leased employees are provided.

(a) The contract forms shall contain:

(i) the name and address of the PEO as filed with the Division of Corporations and Commercial Code and the name and address under which the company does business;

(ii) disclosure that the employee is under contract for the purpose of being leased to a client company;

(iii) disclosure of the identity of the entity from whom the employee will receive compensation for work performed;

(iv) disclosure of the total compensation, including all employee benefits, to which the employee will be entitled;

(v) representation by the PEO that it will pay or cause to be paid when due all amounts to which the employee is entitled or which are to be paid to others, including government agencies and insurance companies; and

(vi) disclosure of any other matter which is material in the employment of the employee by the PEO or in the leasing of the employee to a client company.

(b) The contract forms specified in Subsection (a) shall be accompanied by a letter from legal counsel for the PEO expressing a legal opinion that the contract forms comply with the contract standards set forth in Title 58, Chapter 59, and this section.

R156-59-302b. Change in Ownership or Change in Officers, Directors, Responsible Managers or Other Persons Who Have Controlling Interest - Reestablishment of Qualifications for Licensure.

(1) In accordance with Subsections 58-59-302(8) and 58-59-502(4), any change in ownership or change in officers, directors, responsible managers who have signatory authority over fiduciary

funds or other persons who have a controlling interest in a licensed PEO shall require submission of a criminal background check satisfactory to the Division within 10 days after the change.

(2) In accordance with Subsections 58-59-302(9) and 58-59-502(4), any change in ownership or change in officers, directors, responsible managers who have signatory authority over fiduciary funds or other persons who have a controlling interest in a licensed PEO shall require submission of evidence in a form prescribed by the Division that the new officer, director, responsible manager or other persons having a controlling interest in the PEO has the education and experience requirements set forth in Subsection R156-59-302a(4) within 10 days after the change.

(3) In accordance with Subsections 58-59-302(10) and 58-59-502(4), any change in ownership or change in officers, directors, responsible managers who have signatory authority over fiduciary funds or other persons who have a controlling interest in a licensed PEO shall require submission of evidence in a form prescribed by the Division that the new owner, officer, director, responsible manager or other persons having a controlling interest in the PEO is of good moral character as defined in Subsection R156-59-302a(5) within 10 days after the change.

R156-59-303. Renewal Requirements.

In addition to the renewal requirements set forth in Section 58-59-303, and in accordance with Subsection 58-1-308(3), the renewal requirements for licensure include maintaining the qualifications for licensure set forth in Subsections 58-59-302(3), (4), (5), (6), (7), (8) and (10).

R156-59-303[6]. Financial Responsibility.

[(1) Financial responsibility shall be determined by the totality of history and circumstances relating to an applicant for licensure as an employee leasing company or to a licensed employee leasing company; however, the primary evidence which shall be used by the division is the financial statements, income tax returns and credit reports of the applicant or licensee:

— (2) An applicant or licensee shall provide the division with:

— (a) current financial statements of the applicant or licensed employee leasing company in substance as prescribed by the division; and

— (b) current financial statements audited by a certified public accountant relating to any self-funded or partially self-funded insurance plans maintained by the applicant or licensed employee leasing company for the benefit of employees of the applicant leased to client companies;

— (3) An applicant or licensee may provide the division with, or the division may consider on its own:

— (a) other evidence regarding the financial responsibility of an applicant or licensee including:

— (i) operating history as an employee leasing company;

— (ii) current and past financial condition and operating results;

— (iii) history of debt or payable payment practices;

— (iv) capitalization of applicant or licensee;

— (v) form of organization and limits on the liability of owners, officers, and managers;

— (vi) guarantees of the obligations of the applicant or licensee by other persons;

— (vii) credit reports; and

— (viii) history of judgements, liens, or other action of a similar nature:

— (4) If the division determines that financial responsibility has not been demonstrated, the division shall advise the applicant or licensee of its finding and the applicant or licensee may submit whatever additional information it may believe will assist the division in making a finding of financial responsibility:

— (5) In accordance with the following schedule, each licensed employee leasing company shall file with the division a report in form as prescribed by the division, certified by an independent certified public accountant, and an owner, partner, officer, or responsible managing employee of the licensee, certifying to the fact that all federal, state, and local withholding taxes, unemployment taxes, FICA taxes, worker's compensation premiums, and employee benefit plan obligations have been paid:

TABLE	
Quarter Ends	Report Due
March 31st	Following June 30th
June 30th	Following September 30th
September 30th	Following December 31st
December 31st	Following March 31st

— (6) Failure of an employee leasing company to submit reports as required by statute or these rules, or upon a finding by the director of reasonable cause to believe the financial responsibility of an employee leasing company is impaired to the extent it poses a threat to the public interest and the employee leasing company fails to submit information requested by issuance of a subpoena duces tecum as is reasonable and necessary to demonstrate financial responsibility, shall be grounds for the division to take appropriate action in accordance with the provisions of Title 63, Chapter 46b, to immediately suspend the license of an employee leasing company:

(1) In accordance with Subsection 58-59-306(2)(a), the quarterly reports prepared by an independent CPA shall be submitted in accordance with the following schedule:

- (a) March 31 for the quarter ending December 31;
- (b) June 30 for the quarter ending March 31;
- (c) September 30 for the quarter ending June 30; and
- (d) December 31 for the quarter ending September 30.

(2) In accordance with Subsection 58-59-306(2)(b)(ii), the annual audited financial statement prepared by an independent certified public accountant shall provide evidence that the PEO has a minimum adjusted net worth of \$50,000 or 5% of total adjusted liabilities, whichever is greater.

(3) In accordance with Subsection 58-59-306(2)(b)(ii), if the PEO is self-funded or partially self-funded;

(a) a third party administrator shall certify annually that the PEO is in compliance with Subsection 58-59-302(7)(b) and (d); and

(b) a qualified actuary who is a member in good standing of the American Academy of Actuaries shall submit annually a statement of actuarial opinion certifying that the PEO is in compliance with the requirements set forth in Subsection 58-59-302(7)(a).

[R156-59-304. Contracts.

— (1) Each contract in place between an employee leasing company and a client company, and between an employee leasing company and a leased employee shall conform to the following standards:

— (a) ~~Contract Between Employee Leasing Company and Employee to be Leased:~~ A contract between an employee leasing company and that company's employee to be lease to a client company shall contain at a minimum the following:

— (i) complete identification with respect to the employee leasing company to include name of the company as filed with the Division of Corporations and Commercial Code and the name under which the company does business, the company's street address and telephone number, and the name of the responsible management person of the company who shall be the employee's contact with the employee leasing company;

— (ii) disclosure in clearly understandable terms that the employee is under contract for the purpose of being leased to a client company acceptable to the employee and under employment terms and conditions acceptable to the employee;

— (iii) disclosure of the identity of the entity from whom the employee will receive compensation for work performed;

— (iv) disclosure of the total compensation, including all employee benefits, to which the employee will be entitled;

— (v) an affirmative representation by the employee leasing company that it will pay or cause to be paid when due all amounts to which the employee is entitled or which are to be paid to others, including government agencies and insurance companies, as a result of the employee's employment; and

— (vi) addenda to the contract as necessary to document modification of any conditions of employment of the employee including the client company to whom the employee is leased; change in compensation including employee benefits, change in terms and conditions of employment, or any other matter which is material in the employment of the employee by the employee leasing company or in the leasing of the employee to a client company:

— (b) ~~Contract Between Employee Leasing Company and Client Company Leasing Employees:~~ A contract between an employee leasing company and a client company to who leased employees are provided shall contain at a minimum the following:

— (i) complete identification with respect to the employee leasing company to include name of the company as filed with the Division of Corporations and Commercial Code and the name under which the company does business, the company's street address and telephone number, and the name of the responsible management person of the company who shall be the client company's contact with the employee leasing company; and

— (ii) complete identification with respect to the client company to include name of the company as filed with the Division of Corporations and Commercial Code and the name under which the company does business, the company's street address and telephone number, and the name of the responsible management person of the company who shall be the employee leasing company's contact with the client company; employee leasing company;

— (2) With respect to each contract, the employee leasing company shall file a form of the contract with the division accompanied by a letter from legal counsel for the employee leasing company expressing a legal opinion that the contract form fully complies with the contract standards set forth in this section:

— (3) A contract form shall not be used by an employee leasing company until the contract form has been reviewed by legal counsel for the employee leasing company, found to be in compliance

with the contract standards, and is filed with the division with the required opinion letter from counsel:

R156-59-306. Expiration of License - Renewal Requirements:

(1) Each applicant for renewal of an employee leasing company license shall demonstrate continuing qualification for licensure by submission of:

(a) documentation of financial responsibility as outlined in Subsection R156-58-303

(b) a qualifying questionnaire; and

(c) current financial statements of any self-funded or partially self-funded insurance plan in substance as required on forms as prescribed by the division.

R156-59-307. Reorganization of Employee Leasing Company Business Entity:

A reorganization of the business organization or entity under which an employee leasing company is licensed shall require application for a new license under the new form of organization or business structure. The creation of a new legal entity constitutes a reorganization and includes a change to a new entity under the same form of business entity or the change of the form of business entity between proprietorship, partnership, whether limited or general, joint venture, corporation or any other business form.

R156-59-501. Unprofessional Conduct:

"Unprofessional conduct" includes:

(1) engaging in business as an employee leasing company with a leased employee or client company for which there is not in place a signed contract in form and substance as required by the division under R156-59-304; or

(2) using one's position as a member of the Employee Leasing Company Licensing Board in any advertisement or representation related to that individual engaging in business as or for an employee leasing company or client company, or in any other way intend to use that position for influence for other than legitimate business of the board.]

R156-59-502. Process for Obtaining Prior Written Approval for Sales, Transfers or Entering Into Contracts which Commits the Licensee to Make Future Payments.

In accordance with Subsection 58-59-502(8), in order to obtain prior written approval from the Division for sales, transfers or entering into contracts which commits the licensee to make future payments, the PEO shall submit:

(1) an application for licensure, if the event or events listed in Subsection 58-59-502(8) results in or would require the creation of a new business entity; or

(2) an audited financial statement prepared by an independent certified public accountant stating that upon completion of the event or events listed in Subsection 58-59-502(8):

(a) the PEO will remain financially responsible as set forth in Subsection 58-59-306(2)(b)(i); and

(b) the PEO will have a minimum adjusted net worth of \$50,000 or 5% of the total adjusted liabilities, whichever is greater.

KEY: licensing, [~~employee leasing company~~]professional employer organization*

[~~May 4, 1998~~]2000

Notice of Continuation January 27, 1998

58-1-106(1)

58-1-202(1)

58-59-101



Environmental Quality, Water Quality R317-1-4

Utilization and Isolation of Domestic Wastewater Treatment Works Effluent

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22699

FILED: 03/01/2000, 16:35

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 1995, the Water Quality Board adopted revised reuse rules covering the required quality of treated wastewater for various types of reuse. Provisions covering the design and construction of pressurized distribution systems conveying treated wastewater for reuse purposes were not included at that time because of the question of legal authority to do so. To clarify that issue, H.B. 252 was passed in the 1998 legislative session, which provides authority to the Water Quality Board to issue such rules.

(DAR Note: H.B. 252 is found at 1998 Utah Laws 126, and was effective May 4, 1998.)

SUMMARY OF THE RULE OR CHANGE: Added requirements for: a) vertical and horizontal separation distances of reclaimed water distribution system lines from other utilities; b) identification of reclaimed water piping, valving, and appurtenances; c) conversion of existing water lines to reclaimed water distribution lines; d) fencing and identification of storage facilities for reclaimed water systems; e) identification of reclaimed water pumping facilities; f) backflow protection, location of drinking fountains, hose bibbs, and other equipment and facilities; and g) warning labels and signs to identify reclaimed water distribution system facilities.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No costs or savings to the state budget. Review of proposed projects covered by these new rules will be accomplished with existing staff.

❖LOCAL GOVERNMENTS: Communities implementing reclaimed water distribution projects will see an increase in the cost of the projects as a result of these rules. The cost increase will mainly be associated with measures required for identification of reclaimed water distribution systems and is estimated to be from 2% to 7% of the total project cost, depending on the size and nature of the project.

❖OTHER PERSONS: There will be no anticipated regulatory impact, and thus no cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Communities or other entities implementing reclaimed water distribution system projects will experience an increase in the cost of the projects as a result of these rules. The cost increase will mainly be associated with measures required for identification of reclaimed water distribution systems and is estimated to be from 2% to 7% of the total project cost, depending on the size and nature of the project.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments should have no direct fiscal impacts on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
 Water Quality
 Cannon Health Building
 288 North 1460 West
 PO Box 144870
 Salt Lake City, UT 84114-4870, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Bryan Atwood at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at batwood@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 04/10/2000, 10:00 a.m., Cannon Health Building, Room 125, 288 North 1460 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/21/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.
R317-1. Definitions and General Requirements.
R317-1-4. Utilization and Isolation of Domestic Wastewater Treatment Works Effluent.

4.1 Untreated Domestic Wastewater. Untreated domestic wastewater or effluent not meeting secondary treatment standards as defined by these regulations shall be isolated from all public contact until suitably treated. Land disposal or land treatment of such wastewater or effluent may be accomplished by use of an approved total containment lagoon as defined in R317-3 or by such

other treatment approved by the Board as being feasible and equally protective of human health and the environment.

4.2 Submittal of Reuse Project Plan. If a person intends to reuse or provide for the reuse of treated domestic wastewater directly for any purpose, except on the treatment plant site as described in R317-1-4.6, a Reuse Project Plan must be submitted to the Division of Water Quality. A copy of the plan must also be submitted to the local health department. Any needed construction of wastewater treatment and delivery systems would also be covered by a construction permit as required in section R317-1-2.2 of this rule. The plan must contain the following information. At least items A and B should be provided before construction begins. All items must be provided before any water deliveries are made.

A. A description of the source, quantity, quality, and use of the treated wastewater to be delivered, the location of the reuse site, and how the requirements of this rule would be met.

B. A description of the water rights for the use of the treated effluent. This will include evidence that the State Engineer has been notified and has agreed that the treatment entity has the right to use the water for the intended use.

C. An operation and management plan to include:

1. A copy of the contract with the user, if other than the treatment entity.

2. A label[ing] and separation plan for the prevention of cross connections between reclaimed water distribution lines and potable water lines. Guidance for distribution systems is available from the Division of Water Quality.

3. Schedules for routine maintenance.

4. A contingency plan for system failure or upsets.

D. If the water will be delivered to another entity for distribution and use, a copy of the contract covering how the requirements of this rule will be met.

4.3 Use of Treated Domestic Wastewater Effluent Where Human Exposure is Likely (Type I)

A. Uses Allowed

1. Residential irrigation, including landscape irrigation at individual houses.

2. Urban uses, which includes non-residential landscape irrigation, golf course irrigation, toilet flushing, fire protection, and other uses with similar potential for human exposure.

3. Irrigation of food crops where the applied reclaimed water is likely to have direct contact with the edible part. Type I water is required for all spray irrigation of food crops.

4. Irrigation of pasture for milking animals.

5. Impoundments of wastewater where direct human contact is likely to occur.

6. All Type II uses listed in 4.4.A below.

B. Required Treatment Processes

1. Secondary treatment process, which may include activated sludge, trickling filters, rotating biological contactors, oxidation ditches, and stabilization ponds. The secondary treatment process should produce effluent in which both the BOD and total suspended solids concentrations do not exceed 25 mg/l as a monthly mean.

2. Filtration, which includes passing the wastewater through filter media such as sand and/or anthracite or approved membrane processes.

3. Disinfection to destroy, inactivate, or remove pathogenic microorganisms by chemical, physical, or biological means.

Disinfection may be accomplished by chlorination, ozonation, or other chemical disinfectants, UV radiation, membrane processes, or other approved processes.

C. Water Quality Limits. The quality of effluent before use must meet the following standards. Testing methods and procedures shall be performed according to Standards Methods for Examination of Water and Wastewater, eighteenth edition, 1992, or as otherwise approved by the Executive Secretary.

1. The monthly arithmetic mean of BOD shall not exceed 10 mg/l as determined by daily composite sampling. Composite samples shall be comprised of at least six flow proportionate samples taken over a 24-hour period.

2. The daily arithmetic mean turbidity shall not exceed 2 NTU, and turbidity shall not exceed 5 NTU at any time. Turbidity shall be measured continuously. The turbidity standard shall be met prior to disinfection. If the turbidity standard cannot be met, but it can be demonstrated to the satisfaction of the Executive Secretary that there exists a consistent correlation between turbidity and the total suspended solids, then an alternate turbidity standard may be established. This will allow continuous turbidity monitoring for quality control while maintaining the intent of the turbidity standard, which is to have 5 mg/l total suspended solids or less to assure adequate disinfection.

3. The weekly median fecal coliform concentration shall be none detected, as determined from daily grab samples, and no sample shall exceed 14 organisms/100 ml.

4. The total residual chlorine shall be measured continuously and shall at no time be less than 1.0 mg/l after 30 minutes contact time at peak flow. If an alternative disinfection process is used, it must be demonstrated to the satisfaction of the Executive Secretary that the alternative process is comparable to that achieved by chlorination with a 1 mg/l residual after 30 minutes contact time. If the effectiveness cannot be related to chlorination, then the effectiveness of the alternative disinfection process must be demonstrated by testing for pathogen destruction as determined by the Executive Secretary. A 1 mg/l total chlorine residual is required after disinfection and before the reclaimed water goes into the distribution system.

5. The pH as determined by daily grab samples or continuous monitoring shall be between 6 and 9.

D. Other Requirements

1. An alternative disposal option or diversion to storage must be automatically activated if turbidity exceeds or chlorine residual drops below the instantaneous required value for more than 5 minutes.

2. Any irrigation must be at least 50 feet from any potable water well. Impoundments of reclaimed water, if not sealed, must be at least 500 feet from any potable water well.

3. Requirements for ground water discharge permits, if required, shall be determined in accordance with R317-6.

4. For residential landscape irrigation at individual homes, additional quality control restrictions may be required by the Executive Secretary. Proposals for such uses should also be submitted to the local health authority to determine any conditions they may require.

4.4 Use of Treated Domestic Wastewater Effluent Where Human Exposure is Unlikely (Type II)

A. Uses Allowed

1. Irrigation of sod farms, silviculture, limited access highway rights of way, and other areas where human access is restricted or unlikely to occur.

2. Irrigation of food crops where the applied reclaimed water is not likely to have direct contact with the edible part, whether the food will be processed or not (spray irrigation not allowed).

3. Irrigation of animal feed crops other than pasture used for milking animals.

4. Impoundments of wastewater where direct human contact is not allowed or is unlikely to occur.

5. Cooling water. Use for cooling towers which produce aerosols in populated areas may have special restrictions imposed.

6. Soil compaction or dust control in construction areas.

B. Required Treatment Processes

1. Secondary treatment process, which may include activated sludge, trickling filters, rotating biological contactors, oxidation ditches, and stabilization ponds. Secondary treatment should produce effluent in which both the BOD and total suspended solids do not exceed 25 mg/l as a monthly mean.

2. Disinfection to destroy, inactivate, or remove pathogenic microorganisms by chemical, physical, or biological means. Disinfection may be accomplished by chlorination, ozonation, or other chemical disinfectants, UV radiation, membrane processes, or other approved processes.

C. Water Quality Limits. The quality of effluent before use must meet the following standards. Testing methods and procedures shall be performed according to Standards Methods for Examination of Water and Wastewater, eighteenth edition, 1992, or as otherwise approved by the Executive Secretary.

1. The monthly arithmetic mean of BOD shall not exceed 25 mg/l as determined by weekly composite sampling. Composite samples shall be comprised of at least six flow proportionate samples taken over a 24-hour period.

2. The monthly arithmetic mean total suspended solids concentration shall not exceed 25 mg/l as determined by daily composite sampling. The weekly mean total suspended solids concentration shall not exceed 35 mg/l.

3. The weekly median fecal coliform concentration shall not exceed 200 organisms/100 ml, as determined from daily grab samples, and no sample shall exceed 800 organisms/100 ml.

4. The pH as determined by daily grab samples or continuous monitoring shall be between 6 and 9.

5. At the discretion of the Executive Secretary, the sampling frequency to determine compliance with water quality limits for effluent from lagoon systems used to irrigate agricultural crops, may be reduced to monthly grab sampling for BOD, and weekly grab sampling for fecal coliform, TSS and pH.

D. Other Requirements

1. An alternative disposal option or diversion to storage must be available in case quality requirements are not met.

2. Any irrigation must be at least 300 feet from any potable water well. Spray irrigation must be at least 300 feet from areas intended for public access. This distance may be reduced or increased by the Executive Secretary, based on the type of spray irrigation equipment used and other factors. Impoundments of reclaimed water, if not sealed, must be at least 500 feet from any potable water well.

3. Requirements for ground water discharge permits, if required, shall be determined in accordance with R317-6.

4. Public access to effluent storage and irrigation or disposal sites shall be restricted by a stock-tight fence or other comparable means which shall be posted and controlled to exclude the public.

4.5 Records. Records of volume and quality of treated wastewater delivered for reuse shall be maintained and submitted monthly in accordance with R317-1-2.7. If monthly operating reports are already being submitted to the Division of Water Quality, the data on water delivered for reuse may be submitted on the same form.

4.6 Use of Secondary Effluent at Plant Site. Secondary effluent may be used at the treatment plant site in the following manner provided there is no cross-connection with a potable water system:

A. Chlorinator injector water for wastewater chlorination facilities, provided all pipes and outlets carrying the effluent are suitably labeled.

B. Water for hosing down wastewater clarifiers, filters and related units, provided all pipes and outlets carrying the effluent are suitably labeled.

C. Irrigation of landscaped areas around the treatment plant from which the public is excluded.

4.7 Other Uses of Effluents. Proposed uses of effluents not identified above, including industrial uses, shall be considered for approval by the Board based on a case-specific analysis of human health and environmental concerns.

4.8 Reclaimed Water Distribution Systems. Where reclaimed water is to be provided by pressure pipeline, unless contained in surface pipes wholly on private property and for agricultural purposes, the following requirements will apply. The requirements will apply to all new systems constructed after May 4, 1998, and it is recommended that the accessible portions of existing reclaimed water distribution systems be retrofitted to comply with these rules. Requirements for secondary irrigation systems proposed for conversion from use of non-reclaimed water to use with reclaimed water will be considered on an individual basis considering protection of public health and the environment. Any person or agency that is constructing all or part of the distribution system must obtain a construction permit from the Division of Water Quality prior to beginning construction.

A. Distribution Lines

1. Minimum Separation.

a. Horizontal Separation. Reclaimed water main distribution lines parallel to potable (culinary) water lines shall be installed at least ten feet horizontally from the potable water lines. Reclaimed water main distribution lines parallel to sanitary sewer lines shall be installed at least ten feet horizontally from the sanitary sewer line if the sanitary sewer line is located above the reclaimed water main and three feet horizontally from the sanitary sewer line if the sanitary sewer line is located below the reclaimed water main.

b. Vertical Separation. At crossings of reclaimed water main distribution lines with potable water lines and sanitary sewer lines the order of the lines from lowest in elevation to highest should be: sanitary sewer line, reclaimed water line, and potable water line. A minimum 18 inches vertical separation between these utilities shall be provided as measured from outside of pipe to outside of pipe. The crossings shall be arranged so that the reclaimed water line joints will be equidistant and as far as possible from the water line joints and the sewer line joints. If the reclaimed water line must cross above the potable water line, the vertical separation shall be

a minimum 18 inches and the reclaimed water line shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to the depth of the potable water line from the ground surface. If the reclaimed water line must cross below the sanitary sewer line, the vertical separation shall be a minimum 18 inches and the reclaimed water line shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to the depth of the reclaimed water line from the ground surface.

c. Special Provisions. Where the horizontal and/or vertical separation as required above cannot be maintained, special construction requirements shall be provided in accordance with requirements in R317-3 for protection of potable water lines. Existing pressure lines carrying reclaimed water shall not be required to meet these requirements.

2. Depth of Installation. To provide protection of the installed pipeline, reclaimed water lines should be installed with a minimum depth of bury of three feet.

3. Reclaimed Water Pipe Identification.

a. General. All new buried pipe, including service lines, valves, and other appurtenances, shall be colored purple, Pantone 522 or equivalent. If fading or discoloration of the purple pipe is experienced during construction, identification tape is recommended. Locating wire along the pipe is also recommended.

b. Identification Tape. If identification tape is installed along with the purple pipe, it shall be prepared with white or black printing on a purple field, color Pantone 512 or equivalent, having the words, "Caution: Reclaimed Water-- Do Not Drink". The overall width of the tape shall be at least three inches. Identification tape shall be installed 12 inches above the transmission pipe longitudinally and shall be centered.

4. Conversion of existing water lines. Existing water lines that are being converted to use with reclaimed water shall first be accurately located and comply with leak test standards in accordance with AWWA Standard C-600 and in coordination with regulatory agencies. The pipeline must be physically disconnected from any potable water lines and brought into compliance with current State cross connection rules and requirements (R309-102-5), and must meet minimum separation requirements in section 4.8.A.1 of this rule above. If the existing lines meet approval of the water supplier and the Division, the lines shall be approved for reclaimed water distribution. If regulatory compliance of the system (accurate location and verification of no cross connections) cannot be verified with record drawings, televising, or otherwise, the lines shall be uncovered, inspected, and identified prior to use. All accessible portions of the system must be retrofitted to meet the requirements of this rule.

5. Valve Boxes and Other Surface Identification. All valve covers shall be of non-interchangeable shape with potable water covers, and shall have an inscription cast on the top surface stating "Reclaimed Water". Valve boxes shall meet AWWA standards. All above ground facilities shall be consistently color coded (purple, Pantone 512) and marked to differentiate reclaimed water facilities from potable water facilities.

6. Blow-off Assemblies. If either an in-line type or end-of-line type blow-off or drain assembly is installed in the system, the Division of Water Quality shall be consulted on acceptable discharge or runoff locations.

B. Storage. If storage or impoundment of reclaimed water is provided, the following requirements apply:

1. Fencing. For Type I effluent, no fencing is required by this rule, but may be required by local laws or ordinances. For Type II effluent, see R317-1-4.4.D.4 above.

2. Identification. All storage facilities shall be identified by signs prepared according to the requirements of Section 4.8.D.6 below. Signs shall be posted on the surrounding fence at minimum 500 foot intervals and at the entrance of each facility. If there is no fence, signs shall be located as a minimum on each side of the facility or at minimum 250 foot intervals or at all accessible points.

C. Pumping Facilities.

1. Marking. All exposed and above ground piping, fittings, pumps, valves, etc., shall be painted purple, Pantone 512. In addition, all piping shall be identified using an accepted means of labeling reading "Caution: Reclaimed Water - Do Not Drink." In a fenced pump station area, signs shall be posted on the fence on all sides.

2. Sealing Water. Any potable water used as seal water for reclaimed water pumps seals shall be protected from backflow with a reduced pressure principle device.

D. Other Requirements.

1. Backflow Protection. In no case shall a connection be made between the potable and reclaimed water system. If it is necessary to put potable water into the reclaimed distribution system, an approved air gap must be provided to protect the potable water system. A reduced pressure principle device may be used only when approved by the Division of Water Quality, the local health department, and the potable water supplier.

2. Drinking Fountains. Drinking fountains and other public facilities shall be placed out of any spray irrigation area in which reclaimed water is used, or shall be otherwise protected from contact with the reclaimed water. Exterior drinking fountains and other public facilities shall be shown and called out on the construction plans. If no exterior drinking fountains, picnic tables, food establishments, or other public facilities are present in the design area, then it shall be specifically stated on the plans that none are to exist.

3. Hose Bibs. Hose bibs on reclaimed water systems in public areas and at individual residences shall be prohibited. In public, non-residential areas, replacement of hose bibs with quick couplers is recommended.

4. Equipment and Facilities. Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps which have been or may be used with reclaimed water, and could be interchangeably used with potable water or sewage, shall be cleaned and disinfected before or after use as appropriate. This disinfection and cleaning shall ensure the protection of the public health in the event of any subsequent use.

5. Warning Labels. Warning labels shall be installed on designated facilities such as, but not limited to, controller panels and washdown or blow-off hydrants on water trucks, and temporary construction services. The labels shall indicate the system contains reclaimed water that is unsafe to drink.

6. Warning signs. Where reclaimed water is stored or impounded, or used for irrigation in public areas, warning signs shall be installed and contain, as a minimum, 1/2 inch purple letters (Pantone 512) on a white or other high contrast background notifying the public that the water is unsafe to drink. Signs may

also have a purple background with white or other high contrast lettering. Warning signs and labels shall read, "Warning: Reclaimed Water - Do Not Drink". The signs shall include the international symbol for Do Not Drink.

KEY: water pollution, waste disposal, industrial waste, effluent standards*

~~[July 12, 1996]~~2000

19-5

Notice of Continuation December 12, 1997



Human Services, Administration,
Administrative Services, Licensing
R501-3
Categorical Standards

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 22694

FILED: 03/01/2000, 14:56

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule consists of four separate categories of service. The repeal will allow the Office of Licensing to submit separate rules for each category of service and be more consistent with the other rules of the Office.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: The content of this rule was rewritten and proposed as new rules R501-19 (DAR No. 22695), R501-20 (DAR No. 22696), R501-21 (DAR No. 22697), and R501-22 (DAR No. 22698). All of these rules are in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There is no anticipated cost to the state or local government. There may be slight savings to the state in printing costs.

❖**LOCAL GOVERNMENTS:** There is no cost or savings to local government as these rules do not apply to local government.

❖**OTHER PERSONS:** There would be no change in costs for other persons. This is a repeal and reorganization of a rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no change in compliance costs for the affected persons. This is a repeal and reorganization of a rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This has no impact on business. It is a repeal and reorganization of the structure of the rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsdadmin2.gsedgwic@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/17/2000

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

~~**R501-3. Categorical Standards:**~~

~~**R501-3-1. Comprehensive Mental Health Center License:**~~

~~A. Definition: Comprehensive mental health center means a community program which makes mental health services available to persons of all ages who are experiencing an emergency mental dysfunction in accordance with 62A-12-101-105, 301.~~

~~B. Purpose: The program provides at least the following continuum of categorical services: residential treatment, day treatment, outpatient treatment, and inpatient, which is licensed by the Utah State Department of Health.~~

~~C. The rules for these services are found in the subsequent rules of the Office of Licensing, hereinafter referred to as Office:~~

~~**R501-3-2. Comprehensive Substance Abuse Program License:**~~

~~A. Definition: Comprehensive substance abuse program means a community program operated by or under contract with a local substance abuse authority in accordance with 62A-8-101.~~

~~B. Purpose: The program provides at least the following continuum of categorical services: social detoxification, residential treatment, outpatient treatment, day treatment, and residential support.~~

~~C. The rules for these services are found in the subsequent rules for the Office:~~

~~**R501-3-3. Residential Treatment Programs:**~~

~~A. Definition: Residential treatment program means a 24-hour group living environment for four or more individuals unrelated to the owner or provider in accordance with 62A-2-101,17.~~

~~B. Purpose: The program offers room and board and provides for or arranges for the provision of specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment,~~

~~consumers are assisted in acquiring the social and behavioral skills necessary for living independently in the community in accordance with 62A-2-101, 17.~~

~~C. Administration~~

~~A current list of enrollment of all registered consumers shall be on-site at all times.~~

~~D. Staffing~~

~~1. The program shall have an employed manager who is responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute available.~~

~~2. The program shall have a staff person trained, by a certified instructor, in first aid and CPR on duty with the consumers at all times.~~

~~3. Programs which utilize students and volunteers, shall provide screening, training, and evaluation of volunteers. Volunteers shall be informed verbally and in writing of program objectives and scope of service.~~

~~4. Professional staff shall include the following individuals who have received training in the specific area listed below:~~

~~a. Mental Health~~

~~1) a licensed physician or consulting licensed physician,~~

~~2) a licensed psychologist, or consulting licensed psychologist,~~

~~3) a licensed mental health therapist,~~

~~4) a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or a consulting advanced practice registered nurse-psychiatric mental health nurse specialist, and~~

~~5) if unlicensed staff are used, they shall be supervised by a licensed clinical professional:~~

~~b. Substance Abuse~~

~~1) a licensed physician, or a consulting licensed physician,~~

~~2) a licensed psychologist or consulting licensed psychologist,~~

~~3) a licensed mental health therapist or consulting licensed mental health therapist, and~~

~~4) a licensed substance abuse counselor or unlicensed staff who work with substance abusers shall be supervised by a licensed clinical professional:~~

~~c. Children and Youth~~

~~1) a licensed physician, or consulting licensed physician,~~

~~2) a licensed psychologist, or consulting licensed psychologist, and~~

~~3) a licensed mental health therapist or consulting licensed mental health therapist, to provide a minimum of one hour of service to the program per week per consumer enrolled.~~

~~4) A licensed medical practitioner, by written agreement, shall be available to provide, as needed, a minimum of one hour of service per week for every two consumers enrolled.~~

~~5) Other staff trained to work with emotionally and behaviorally disturbed, or conduct disordered children and youth shall be under the supervision of a licensed clinical professional:~~

~~6) A minimum of two staff on duty and, a staff ratio of no less than one staff to every four consumers shall exist at all times, except nighttime sleeping hours when staff may be reduced.~~

~~7) A mixed gender population shall have at least one male and one female staff on duty at all times.~~

~~d. Services for People With Disabilities shall have a staff person responsible for program supervision and operation of the~~

facility. Staff person shall be adequately trained to provide the services and treatment stated in the consumer plan.

— E. Direct Service

— Treatment plans shall be reviewed and signed by the clinical supervisor, or other qualified individuals for Division of Services for People With Disabilities services. Plans shall be reviewed and signed as noted in the treatment plan.

— F. Physical Environment

— 1. The program shall provide written documentation of compliance with the following items as applicable:

- a. local zoning ordinances;
- b. local business license requirements;
- c. local building codes;
- d. local fire safety regulations;
- e. local health codes; and
- f. local approval from the appropriate government agency for new program services or increased consumer capacity.

— 2. Building and Grounds

- a. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained.
- b. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff.

— G. Physical Facilities

— 1. Live-in staff shall have separate living space with a private bathroom:

— 2. The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping:

— 3. Indoor space for free and informal activities of consumers shall be available:

— 4. Provision shall be made for consumer privacy:

— 5. Space shall be provided for private and group counseling sessions:

— 6. Sleeping Space

— a. No more than four persons, or two for Division of Services for People With Disabilities programs, shall be housed in a single bedroom:

— b. A minimum of sixty square feet per consumer shall be provided in a multiple-occupant bedroom. Storage space will not be counted:

— c. A minimum eighty square feet per individual shall be provided in a single-occupant bedroom. Storage space shall not be counted:

— d. Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens:

— e. Each bed, none of which shall be portable, shall be solidly constructed, and be provided with clean linens after each consumer stay and at least weekly:

— f. Sleeping quarters serving male and female residents shall be structurally separated:

— g. Consumers shall be allowed to decorate and personalize bedrooms with respect for other residents and property:

— 7. Bathrooms

— a. The program shall have separate bathrooms for males and females. These shall be maintained in good operating order and in a clean and safe condition:

— b. Bathrooms shall accommodate consumers with physical disabilities as required:

— c. Each bathroom shall be properly equipped with toilet paper, towels, soap, and other items required for personal hygiene:

— d. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens:

— e. Bathrooms shall meet a minimum ratio of one toilet, one lavatory, one tub or shower for each six residents:

— f. There shall be toilets and baths or showers which allow for individual privacy:

— g. There shall be mirrors secured to the walls at convenient heights:

— h. Bathrooms shall be located as to allow access without disturbing other residents during sleeping hours:

— H. Equipment

— 1. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer needs:

— 2. All furniture and equipment shall be maintained in a clean and safe condition:

— I. Laundry Service

— 1. Programs which permit individuals to do their own laundry shall provide equipment and supplies for washing, drying, and ironing:

— 2. Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing:

— 3. Laundry appliances shall be maintained in a clean and safe condition:

— J. Food Service

— 1. One staff shall be responsible for food service. If this person is not a professionally qualified dietitian, regularly scheduled consultation with a professionally qualified dietitian shall be obtained. Meals served shall be from dietitian approved menus:

— 2. The staff responsible for food service shall maintain a current list of consumers with special nutritional needs and record in the consumers service record information relating to special nutritional needs and provide for nutrition counseling where indicated:

— 3. The program shall establish and post kitchen rules and privileges according to consumer needs:

— 4. Consumers present in the facility for four or more consecutive hours shall be provided nutritious food:

— 5. Meals may be prepared at the facility or catered:

— 6. Kitchens shall have clean, operational equipment for the preparation, storage, serving, and clean up of all meals:

— 7. Adequate dining space shall be provided for consumers. The dining space shall be maintained in a clean and safe condition:

— 8. When meals are prepared by consumers there shall be a written policy to include the following:

- a. rules of kitchen privileges;
- b. menu planning and procedures;
- c. nutritional and sanitation requirements; and
- d. schedule of responsibilities.

— K. Storage

— 1. The program shall have locked storage for medications:

— 2. The program shall have locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities:

— L. Medication

— 1. Prescriptive medication shall be provided as prescribed by a qualified person, according to the Medical Practices Act.

— 2. The program shall have designated qualified staff, who shall be responsible to:

- a. administer medication;
- b. supervise self-medication;
- c. record medication, including time and dosage, according to prescription, and
- d. record effects of medication.

— M. Specialized Services for Substance Abuse

— 1. The program shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma, or unconscious:

— 2. At a minimum the program shall document that direct service staff complete first aid and CPR training within six months of being hired. Training shall be updated as required by the certifying agency:

— 3. Before admission, consumers shall be tested for Tuberculosis. Both consumers and staff shall be tested annually or as directed by the local health requirements:

— N. Specialized Services for Programs Serving Children and Youth

— 1. Provisions shall be available for adolescents to continue their education with a curriculum approved by the State Office of Education:

— 2. Programs which provide their own school shall be recognized by an educational accreditation organization, i.e., State Board of Education or the National School Accreditation Board:

— 3. Individual, group, couple, and family counseling sessions or other appropriate treatment, including skills development, shall be conducted at least weekly, or more often if defined by the treatment plan. The consumer's record shall document the time and date of the service provided with signature of the counselor:

— 4. An accurate record shall be kept of all funds deposited and withdrawn with the residential facility for use by a consumer. Consumer purchases of over \$20.00 per item, shall be substantiated by receipts signed by consumer and appropriate staff:

— O. Specialized Services for Division of Services for People With Disabilities

— 1. Rules governing the daily operation and activities of the facility shall be available to all consumers and visitors, and shall apply to family members, consumers, and staff that come into the facility:

— 2. The program shall have policy specifying the amount of time family or friends may stay as overnight guests:

— 3. All consumers in residential programs shall have an individual plan that addresses appropriate day treatment:

— 4. A monthly schedule of activities shall be shared with the consumer and available on request. Schedules shall be filed and maintained for review:

— 5. Record of income, earned, unearned, and consumer service fees, shall be maintained by the provider:

— 6. Residential facilities shall be located where school, church, recreation, and other community facilities are available:

— 7. An accurate record shall be kept of all funds deposited with the residential facility for use by a consumer. This record shall contain a list of deposits and withdrawals. Consumer purchases of over \$20.00, per item, shall be substantiated by receipts signed by consumer and professional staff. A record shall be kept of consumer petty cash funds:

— 8. The program, in conjunction with parent or guardian and the Division of Services for People With Disabilities support coordinator, shall apply for unearned income benefits for which a consumer is entitled:

R501-3-4. Day Treatment Programs:

— A. Definition: Day treatment program means specialized treatment for less than 24 hours a day, for four or more persons who are unrelated to the owner or provider:

— B. Purpose: A day treatment program provides services to individuals who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service in accordance with 62A-2-101,5:

— C. Administration

— A list of current consumers shall be available and on-site at all times:

— D. Program

— 1. Day treatment activity plans shall be prepared to meet individual consumer needs. Daily activity plans may include behavioral training, community living skills, work activity, work adjustment, recreation, self-feeding, self-care, toilet training, social appropriateness, development of gross and fine motor skills, interpersonal adjustment, mobility training, self-sufficiency training, and to encourage optimal mental or physical function, speech, audiology, physical therapy, and psychological services, counseling, and socialization:

— 2. A daily activity or service schedule shall be designed and implemented:

— 3. While on-site, consumers shall be supervised as necessary and encouraged to participate in activities:

— 4. All consumers shall be afforded the same quality of care:

— E. Staffing

— 1. The program shall have an employed manager who is responsible for the day to day supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent, there shall be a substitute available:

— 2. The program shall have a staff person trained, by a certified instructor, in first aid and CPR on duty with the consumers at all times:

— 3. Staffing Ratios

— a. The minimum ratio shall be one direct care staff to ten consumers. In Division of Services for People With Disabilities programs, consumer ratios shall be determined by type of activity:

— b. When 10% or more of the consumers are non-ambulatory, the ratio shall be one direct care staff to seven consumers:

— 4. Professional staff shall include the following individuals who have received training in the specific area listed below:

— a. Mental Health

— 1) a licensed physician, or consulting licensed physician;

— 2) a licensed psychologist, or consulting licensed psychologist;

— 3) a licensed mental health therapist or consulting licensed mental health therapist, and

— 4) a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or a consulting licensed advanced practice registered nurse-psychiatric mental health nurse specialist:

— 5) If unlicensed staff are used they shall be supervised by a licensed clinical professional:

— b. Substance Abuse

- 1) a licensed physician or consulting licensed physician;
- 2) a licensed psychologist or consulting licensed psychologist;
- 3) a licensed mental health therapist or consulting licensed mental health therapist, and
- 4) a licensed substance abuse counselor or unlicensed staff who work with substance abuses shall be supervised by a licensed clinical professional:

— c. Children and Youth

- 1) a licensed physician, or consulting licensed physician;
 - 2) a licensed psychologist, or consulting licensed psychologist;
 - 3) a licensed mental health therapist or consulting licensed mental health therapist, to provide a minimum of one hour of service per week per consumer enrolled in the program, and
 - 4) a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or consulting licensed advanced practice registered nurse-psychiatric mental health nurse specialist.
- 5) If unlicensed staff are used, they shall be trained to work with emotionally and behaviorally disturbed, or conduct disordered children and youth and shall be under the supervision of a licensed clinical professional:

— d. Services for People With Disabilities

- 1) a staff person responsible for consumer supervision and operation of the facility, and
- 2) trained staff to provide the services and treatment stated in the consumer's plan.

— F. Physical Environment

— 1. The program shall provide written documentation of compliance with the following:

- a. local zoning ordinances;
- b. local business license requirements;
- c. local building codes;
- d. local fire safety regulations;
- e. local health codes, and
- f. local approval from the appropriate government agency for new program services or increased consumer capacity.

— 2. Building and Grounds

— a. The program shall have a minimum of fifty square feet of floor space per consumer designated specifically for day treatment. Hallways, office, storage, kitchens, and bathrooms may not be included in computation:

— b. Outdoor recreational space and compatible recreational equipment shall be available when necessary to meet treatment plans:

— c. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained:

— d. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff:

— e. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer needs and shall be maintained in a clean and safe condition:

— f. The program shall have locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities:

— G. Equipment

— Equipment for work activities shall be kept in safe operating condition:

— 1. Power equipment shall be installed and maintained in accordance with the National Electrical Code:

— 2. When operating power equipment, the operator shall wear safe clothing and protective eye gear:

— 3. Rings and watches are not to be worn, and long hair shall be confined when operating power equipment:

— 4. Consumer exposure to hazardous materials shall be controlled as defined in Utah State Industrial Regulations:

— H. Bathrooms

— 1. The program shall have one or more bathrooms each for males and females in accordance with current uniform building codes. They shall be maintained in good operating order and in a clean and safe condition:

— 2. Bathrooms shall accommodate consumers with physical disabilities as required:

— 3. Bathrooms shall be properly equipped with toilet paper, towels, soap, and other items required for personal hygiene:

— 4. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens:

— I. Food Service

— 1. One person shall be responsible for food service. If this person is not a professionally qualified dietitian, regularly scheduled consultation with a professionally qualified dietitian shall be obtained. Meals served shall be from dietitian approved menus:

— 2. The person responsible for food service shall maintain a current list of consumers with special nutritional needs and record in the consumers service record information relating to special nutritional needs and provide for nutrition counseling where indicated:

— 3. When meals are prepared by consumers, there shall be a written policy to include the following:

- a. rules of kitchen privileges;
- b. menu planning and procedures;
- c. nutritional and sanitation requirements, and
- d. schedule of responsibilities:

— 4. The program shall provide adequate storage and refrigeration for meals carried to the program by consumers:

— 5. Kitchens shall have clean, operational equipment for the preparation, storage, serving, and clean up of all meals:

— 6. Adequate dining space shall be provided for consumers. The dining space shall be maintained in a clean and safe condition:

— J. Medication

— 1. Prescriptive medication shall be provided as prescribed by a qualified person according to the Medical Practices Act:

— 2. The program shall have locked storage for medication:

— 3. The program shall have written policy and procedure to include the following:

- a. self administered medication;
- b. storage;
- c. control, and
- d. release and disposal of drugs in accordance with federal and state regulations:

R501-3-5. Outpatient Treatment Programs:

— A. Definition. Outpatient treatment program means individual, family, or group therapy or counseling designed to improve and enhance social or psychological functioning for those

consumers whose physical and emotional status allows them to continue functioning in their usual living environment in accordance with 62A-2-101,15:

— B. Purpose: Outpatient treatment shall serve consumers who require less structure than offered in day treatment or residential treatment programs. Consumers are provided treatment as often as determined and noted in the treatment plan.

— C. Treatment Plan

— 1. Treatment plans shall be developed based on assessment and evaluation of individual consumer needs. The treatment may be consultive and may include medication management.

— 2. Treatment plans shall be reviewed and signed by a licensed clinical professional as frequently as determined in the treatment plan.

— D. Professional staff shall include at least one of the following individuals who has received training in the specific area listed below:

— 1. Mental Health

— a. a licensed physician, or

— b. a licensed psychologist, or

— c. a licensed mental health therapist, or

— d. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist;

— e. If unlicensed staff are used, they shall not supervise clinical programs. Unlicensed staff shall be trained to work with psychiatric consumers and be supervised by a licensed clinical professional.

— 2. Substance Abuse

— a. a licensed physician, or

— b. a licensed psychologist, or

— c. a licensed mental health therapist, or

— d. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist;

— e. A licensed substance abuse counselor or unlicensed staff who work with substance abusers shall be supervised by a licensed clinical professional.

— 3. Children and Youth

— a. a licensed psychiatrist, or

— b. a licensed psychologist, or

— c. a licensed mental health therapist, or

— d. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist;

— e. If the following individuals are used they shall not supervise clinical programs: A person with a graduate degree in counseling, psychiatric nursing, marriage and family therapy, social work or psychology who is working toward a clinical license, and has been approved by the Division of Occupational and Professional Licensing for the appropriate supervision, or a second year graduate student training for one of the above degrees.

— 4. Domestic Violence

— a. a licensed psychiatrist, or

— b. a licensed psychologist, or

— c. a licensed clinical social worker, or

— d. a licensed marriage and family therapist, or

— e. a licensed professional counselor, or

— f. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or

— g. a person with a graduate degree in counseling, psychiatric nursing, marriage and family therapy, social work or psychology who is working toward a clinical license, and has been approved by

the Division of Occupational and Professional Licensing for the appropriate supervision, or

— h. a second year graduate student in training for one of the above degrees, or

— i. a licensed social services worker with at least three years of continual, full-time, related experience, when practicing under the direction and supervision of a licensed clinical professional.

— j. Individuals from categories g.h. above shall not supervise clinical programs. Individuals in category i. above shall not supervise clinical programs, and may only co-facilitate group therapy sessions with a person qualified per paragraphs a. through f. above.

— E. Direct Service

— 1. Counseling sessions, except for Domestic Violence:

— Individual, group, couple, or family counseling sessions shall be provided to the consumer as frequently as determined in the treatment plan. In the consumer's record and in the progress notes, the date of the session and the provider shall be documented. Treatment sessions may be provided less frequently than once a month if approved by the clinical supervisor and justified in the consumer record.

— 2. Domestic violence treatment programs shall comply with generally accepted practices in the current domestic violence literature and the following requirements:

— a. Maintain and document cooperative working relationships with domestic violence shelters, treatment programs, referring agencies, custodial parents when the consumer is a minor and local domestic violence coalitions. If the consumer is a perpetrator, contact with victims, current partner, and the criminal justice referring agencies is also required, as appropriate.

— b. Treatment sessions for each perpetrator, not including orientation and assessment interviews, shall be provided for at least one hour per week for a minimum of sixteen weeks. Treatment sessions for children and victims shall offer a minimum of 10 sessions for each consumer not including intake or orientation.

— c. Staff to Consumer Ratio:

— 1) The staff to consumer ratio in adult treatment groups shall be one to eight for a one hour long group or one to ten for an hour and a half long group. The maximum group size shall not exceed sixteen.

— 2) Child victim or child witness groups shall have a ratio of one staff to eight children when the consumers are under twelve years of age, and a one staff to ten children ratio when the consumers are twelve years of age or older.

— d. When any consumer enters a treatment program the staff shall conduct an in-depth, face to face interview and assessment to determine the consumer's clinical profile and treatment needs. For perpetrator consumers, additional information shall be obtained from the police incident report, perpetrator's criminal history, prior treatment providers, and the victim. When appropriate, additional information for child consumers shall be obtained from parents, prior treatment providers, schools and Child Protective Services. When any of the above information cannot be obtained the reason shall be documented. The assessment shall include the following:

— 1) a profile of the frequency, severity and duration of the domestic violence behavior, which includes a summary of psychological violence;

— 2) documentation of any homicidal, suicidal ideation and intentions as well as abusive behavior toward children;

— 3) a clinical diagnosis and a referral for evaluation to determine the need for medication if indicated;

— 4) documentation of safety planning when the consumer is an adult victim, child victim, or child witness, and that they have contact with the perpetrator. For victims who choose not to become treatment consumers, safety planning shall be addressed when they are contacted, and

— 5) documentation that appropriate measures have been taken to protect children from harm:

— e. Consumers deemed appropriate for a domestic violence treatment program shall have an individualized treatment plan, which addresses all relevant treatment issues. Consumers who are not deemed appropriate for domestic violence programs shall be referred to the appropriate resource, with the reasons for referral documented and notification given to the referring agency. Domestic violence counseling shall be provided when appropriate, concurrently with or after other necessary treatment.

— f. Conjoint or group therapy sessions with victims and perpetrators together or with both co-perpetrators shall not be provided until a comprehensive assessment has been completed to determine that the violence has stopped and that conjoint treatment is appropriate. The perpetrator must complete a minimum of 12 domestic violence treatment sessions prior to implementing conjoint therapy:

— g. A written procedure shall be implemented to facilitate the following in an efficient and timely manner:

- 1) entry of the court ordered defendant into treatment;
- 2) notification of consumer compliance, participation or completion;
- 3) disposition of non-compliant consumers;
- 4) notification of the recurrence of violence, and
- 5) notification of factors which may exacerbate an individual's potential for violence:

— h. Comply with the "Duty to Warn," 78-14a-102:

— i. Document specialized training in domestic violence assessment and treatment practices including 24 hours of pre-service training within the last two years and 16 hours of training annually thereafter for all individuals providing treatment services:

— j. Clinical supervision for treatment staff who are not clinically licensed shall consist of a minimum of an hour a week to discuss clinical dynamics of cases:

— F. Physical Environment

— 1. The program shall provide written documentation of compliance with the following:

- a. local zoning ordinances;
- b. local business license requirements;
- c. local building codes;
- d. local fire safety regulations, and
- e. local health codes:

— 2. Building and Grounds

— a. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained:

— b. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff:

— c. Space shall be provided for private and group counseling sessions:

— 3. Storage

— The program shall have:

- a. locked storage for medications, and

— b. locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities:

— 4. Equipment

— a. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer plans:

— b. All furniture and equipment shall be maintained in a clean and safe condition:

— 5. Bathrooms

— a. Bathrooms shall accommodate physically disabled consumers:

— b. Each bathroom shall be maintained in good operating order and be properly equipped with toilet paper, towels, and soap:

— c. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens:

R501-3-6. Residential Support Programs:

— A. Definition: Residential Support means a 24-hour group living environment, providing room and board for four or more consumers unrelated to the owner or provider in accordance with 62A-2-101,16:

— B. Purpose: A residential support service arranges for or provides the necessities of life as a protective service to individuals or families who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of residential support service, however treatment shall be made available on request:

— C. Administration

— 1. The program shall ensure that consumers receive direct service from an assigned worker or other appropriate professional:

— 2. A list of current consumers shall be available and on-site at all times:

— D. Staffing

— 1. The program shall have an employed manager responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute to assume managerial responsibility as needed. With the exception of Domestic Violence Shelters, adult programs are not required to provide twenty four hour supervision:

— 2. The program shall make arrangement for medical backup with a medical clinic or physician licensed to practice medicine in the State of Utah:

— 3. During normal staff hours, the program shall have at least one person on duty who has completed and remains current in a certified first aid and CPR program:

— 4. Programs which utilize students and volunteers, shall provide screening, training, and evaluation of volunteers. Volunteers providing care in Domestic Violence Shelters, without paid staff present, shall have direct communication access to designated staff at all times. Volunteers shall be informed verbally and in writing of program objectives and scope of service:

— E. Direct Service, this section supersedes core standards, Section R501-2-6

— 1. The program consumer records shall contain the following:

- a. name address, telephone number, admission date, and personal information as required by the program;
- b. emergency information with names, address, and telephone numbers;

~~c. a statement indicating that the resident meets the admission criteria;~~
~~d. description of presenting problems;~~
~~e. service plan and services provided, and referral arrangements as required by the program;~~
~~f. discharge date;~~
~~g. signature of person or persons, or designee providing services, and~~
~~h. crisis intervention and incident reports.~~

~~2. The program's consumer service plan shall offer and document as many life enhancement opportunities as are appropriate and reasonable.~~

~~3. Domestic Violence Shelter action plans shall include the following:~~

~~a. a review of danger and lethality with victim and discussion of the level of the victim's risk of safety;~~
~~b. a review of safety plan with the victim;~~
~~c. a review of the procedure for a protective order and referral to appropriate agency or clerk of the court authorized to issue the protective order, and~~
~~d. a review of supportive services to include, but not limited to medical, self sufficiency, day care, legal, financial, and housing assistance. The program shall facilitate connecting services to those resources as requested. Appropriate referrals shall be made, when indicated, and documented in the consumer record for victim treatment, psychiatric consultation, drug and alcohol treatment, or other allied services.~~

~~e. Domestic Violence Shelter staff completing action plans shall have at least a Bachelor's Degree in Behavioral Sciences.~~

~~F. Physical Environment~~

~~The program shall provide written documentation of compliance with the following:~~

~~1. local zoning ordinances;~~
~~2. local business license requirements;~~
~~3. local building codes;~~
~~4. local fire safety regulations;~~
~~5. local health codes, and~~
~~6. local approval from the appropriate government agency for new program services or increased consumer capacity.~~

~~G. Building and Grounds~~

~~1. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained.~~
~~2. The program shall take reasonable measures to ensure a safe physical environment for its consumers and staff.~~
~~3. Live-in staff shall have separate living space with a private bathroom.~~
~~4. The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.~~
~~5. Space shall be provided for private and group counseling sessions:~~

~~6. Bathrooms~~

~~a. There shall be separate bathrooms, including a toilet, lavatory, tub or shower, for males and females. These shall be maintained in good operating order and in a clean and safe condition.~~
~~b. Consumer to bathroom ratios shall be 10 to one.~~
~~c. Bathrooms shall accommodate consumers with physical disabilities, as required.~~

~~d. Each bathroom shall be maintained in good operating order and be equipped with toilet paper, towels, and soap.~~
~~e. There shall be mirrors secured to the walls at convenient heights.~~
~~f. Bathrooms shall be placed as to allow access without disturbing other residents during sleeping hours.~~
~~g. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.~~
~~h. Domestic Violence Shelters:~~

~~1) family members may share bathrooms, and~~
~~2) where bathrooms are shared by more than one family or by children over the age of eight, parents or program staff shall ensure that privacy is protected.~~

~~7. Sleeping Accommodations~~

~~a. A minimum of 60 square feet per consumer shall be provided in a multiple occupant bedroom and 80 square feet in a single occupant bedroom. Storage space shall not be counted.~~
~~b. Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.~~
~~c. Each bed, none of which shall be portable, shall be solidly constructed and be provided with clean linens after each consumer stay and at least weekly.~~
~~d. Sleeping quarters serving male and female residents shall be structurally separated.~~
~~e. Consumers shall be allowed to decorate and personalize bedrooms with respect for other residents and property.~~
~~f. Domestic Violence Shelters, Family Support Centers and children's shelters, the following shall apply:~~

~~1) A minimum of 40 square feet per consumer shall be provided in a multiple occupant bedroom. Storage space shall not be counted. The use of one crib for children under two years of age shall not be counted in the square foot requirement as long as it does not inhibit access to and from the room.~~
~~2) Roll away and hide-a-beds may be used as long as the consumer square foot requirement is maintained.~~
~~3) Family members are allowed to share bedrooms. Where bedrooms are shared by more than one family, parents or program staff shall make appropriate arrangements to ensure privacy is protected.~~

~~8. Equipment~~

~~a. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer needs.~~
~~b. All furniture and equipment shall be maintained in a clean and safe condition.~~

~~9. Storage~~

~~a. The program shall have locked storage for medications.~~
~~b. The program shall have locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities.~~
~~c. Any weapons brought into the facility shall be secured in a locked storage area or removed from the premises.~~

~~10. Laundry Service~~

~~a. Programs which permit consumers to do their own laundry shall provide equipment and supplies for washing, drying, and ironing.~~
~~b. Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing.~~

c. Laundry appliances shall be maintained in good operating order and in a clean and safe condition.

~~H. Food Service~~

a. One staff shall be responsible for food service. If this person is not a professionally qualified dietitian, regularly scheduled consultation with a professionally qualified dietitian shall be obtained. Meals served shall be from dietitian approved menus.

b. The staff responsible for food service shall maintain a current list of consumers with special nutritional needs and record in the consumer's service record information relating to special nutritional needs and provide for nutritional counseling where indicated.

c. The program shall establish and post kitchen rules and privileges according to consumer needs.

d. Consumers present in the facility for four or more consecutive hours shall be provided nutritious food.

e. Meals may be prepared at the facility or catered.

f. Kitchens shall have clean, safe operational equipment for the preparation, storage, serving, and clean up of all meals.

g. Adequate dining space shall be provided for consumers. The dining space shall be maintained in a clean and safe condition.

h. When meals are prepared by consumers, there shall be a written policy to include the following:

- 1) rules of kitchen privileges;
- 2) menu planning and procedures;
- 3) nutritional and sanitation requirements, and
- 4) schedule of responsibilities.

~~H. Specialized Services for Substance Abuse~~

1. The program shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma or unconscious.

2. Before admission, consumers shall be tested for Tuberculosis. Both consumers and staff shall be tested annually or as directed by the local health requirements.

~~I. Specialized Services for Programs Serving Children~~

1. The program shall provide clean and safe age appropriate toys for children.

2. The program shall provide an outdoor play area enclosed with a five foot safety fence.

3. Only custodial parents, legal guardian, or persons designated in writing, are allowed to remove any child from the program.

4. The program shall provide adequate staff to supervise children at all times.

~~J. Specialized Services for Domestic Violence Shelters~~

1. The program shall provide clean and safe age appropriate toys for children.

2. The program shall provide an outdoor play area enclosed with a five foot safety fence.

3. The program shall provide and document the following information both verbally and in writing to the consumer: Shelter rules, reason for termination, and confidentiality issues.

4. Parents are responsible for supervising their children while at the shelter. If parents are required to be away from the shelter or involved in shelter activities without their children, they shall arrange for appropriate child care services.

KEY: licensing, human services

December 2, 1997

62A-2-101 et seq.

Notice of Continuation September 3, 1997]

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Human Services, Administration, Administrative Services, Licensing **R501-19** Residential Treatment Programs

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22695

FILED: 03/01/2000, 14:56

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule replaces, in part, Rule R501-3, which is being repealed. Rule R501-3 consisted of four separate categories of service. This rule represents one category of service (residential treatment programs).

SUMMARY OF THE RULE OR CHANGE: This is a reorganization of the structure of a rule. Rule R501-3 consisted of four separate categories of service and is being repealed. This rule represents one category of service.

(DAR Note: The proposed repeal of Rule R501-3 is under DAR No. 22694. It was rewritten and proposed as new rules R501-19 (DAR No. 22695), R501-20 (DAR No. 22696), R501-21 (DAR No. 22697), and R501-22 (DAR No. 22698). All of these rules are in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no anticipated cost to the state or local government. There may be slight savings to the state in printing costs.

❖ **LOCAL GOVERNMENTS:** There is no cost or savings to local government as these rules do not apply to local government.

❖ **OTHER PERSONS:** There would be no change in costs for other persons. This is a reorganization of a rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no change in compliance costs for the affected persons. This is a reorganization of a rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be no impact on businesses. This is a reorganization of the structure of a rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hadmin2.gsedgwic@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/17/2000

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-19. Residential Treatment Programs.

R501-19-1. Authority.

Pursuant to Section 62A-2-101 et seq., the Office of Licensing shall license residential treatment programs according to the following rules.

R501-19-2. Purpose.

Residential treatment programs offer room and board and provides for or arranges for the provision of specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment programs, consumers are assisted in acquiring the social and behavioral skills necessary for living independently in the community in accordance with Subsection 62A-2-101(15).

R501-19-3. Definition.

Residential treatment program means a 24-hour group living environment for four or more individuals unrelated to the owner or provider in accordance with Subsection 62A-2-101(15).

R501-19-4. Administration.

A. In addition to the following rules, all Residential Treatment Programs shall comply with R501-2, Core Standards.

B. A current list of enrollment of all registered consumers shall be on-site at all times.

R501-19-5. Staffing.

A. The program shall have an employed manager who is responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute available.

B. The program shall have a staff person trained, by a certified instructor, in standard first aid and CPR on duty with the consumers at all times.

C. Programs which utilize students and volunteers, shall provide screening, training, and evaluation of volunteers. Volunteers shall be informed verbally and in writing of program objectives and scope of service.

D. Professional staff shall include the following individuals who have received training in the specific area listed below:

1. Mental Health

a. a licensed physician or consulting licensed physician,

b. a licensed psychologist, or consulting licensed psychologist,

c. a licensed mental health therapist,

d. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or a consulting advanced practice registered nurse-psychiatric mental health nurse specialist, and

e. if unlicensed staff are used, they shall be supervised by a licensed clinical professional.

2. Substance Abuse

a. a licensed physician, or a consulting licensed physician,

b. a licensed psychologist or consulting licensed psychologist,

c. a licensed mental health therapist or consulting licensed, mental health therapist, and

d. a licensed substance abuse counselor or unlicensed staff who work with substance abusers shall be supervised by a licensed clinical professional.

3. Children and Youth

a. a licensed physician, or consulting licensed physician,

b. a licensed psychologist, or consulting licensed psychologist,

and

c. a licensed mental health therapist or consulting licensed mental health therapist, to provide a minimum of one hour of service to the program per week per consumer enrolled.

d. A licensed medical practitioner, by written agreement, shall be available to provide, as needed, a minimum of one hour of service per week for every two consumers enrolled.

e. Other staff trained to work with emotionally and behaviorally disturbed, or conduct disordered children and youth shall be under the supervision of a licensed clinical professional.

f. A minimum of two staff on duty and, a staff ratio of no less than one staff to every four consumers shall exist at all times, except nighttime sleeping hours when staff may be reduced.

g. A mixed gender population shall have at least one male and one female staff on duty at all times.

4. Services for People With Disabilities shall have a staff person responsible for program supervision and operation of the facility. Staff person shall be adequately trained to provide the services and treatment stated in the consumer plan.

R501-19-6. Direct Service.

Treatment plans shall be reviewed and signed by the clinical supervisor. Treatment plans shall be reviewed and signed by the clinical supervisor, or other qualified individuals for Division of Services for People With Disabilities services. Plans shall be reviewed and signed as noted in the treatment plan.

R501-19-7. Physical Facilities.

A. The program shall provide written documentation of compliance with the following items as applicable:

1. local zoning ordinances,
2. local business license requirements,
3. local building codes,
4. local fire safety regulations,
5. local health codes, and
6. local approval from the appropriate government agency for new program services or increased consumer capacity.

B. Building and Grounds

1. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained.
2. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff.

R501-19-8. Physical Environment.

A. Live-in staff shall have separate living space with a private bathroom.

B. The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.

C. Indoor space for free and informal activities of consumers shall be available.

D. Provision shall be made for consumer privacy.

E. Space shall be provided for private and group counseling sessions.

F. Sleeping Space

1. No more than four persons, or two for Division of Services for People With Disabilities programs, shall be housed in a single bedroom.

2. A minimum of sixty square feet per consumer shall be provided in a multiple occupant bedroom. Storage space will not be counted.

3. A minimum eighty square feet per individual shall be provided in a single occupant bedroom. Storage space will not be counted.

4. Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.

5. Each bed, none of which shall be portable, shall be solidly constructed, and be provided with clean linens after each consumer stay and at least weekly.

6. Sleeping quarters serving male and female residents shall be structurally separated.

7. Consumers shall be allowed to decorate and personalize bedrooms with respect for other residents and property.

G. Bathrooms

1. The program shall have separate bathrooms for males and females. These shall be maintained in good operating order and in a clean and safe condition.

2. Bathrooms shall accommodate consumers with physical disabilities as required.

3. Each bathroom shall be properly equipped with toilet paper, towels, soap, and other items required for personal hygiene.

4. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.

5. Bathrooms shall meet a minimum ratio of one toilet, one lavatory, and one tub or shower for each six residents.

6. There shall be toilets and baths or showers which allow for individual privacy.

7. There shall be mirrors secured to the walls at convenient heights.

8. Bathrooms shall be located as to allow access without disturbing other residents during sleeping hours.

H. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer needs.

I. All furniture and equipment shall be maintained in a clean and safe condition.

J. Programs which permit individuals to do their own laundry shall provide equipment and supplies for washing, drying, and ironing.

K. Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing.

L. Laundry appliances shall be maintained in a clean and safe operating condition.

R501-19-9. Food Service.

A. One staff shall be responsible for food service. If this person is not a professionally qualified dietitian, regularly scheduled consultation with a professionally qualified dietitian shall be obtained. Meals served shall be from dietitian approved menus.

B. The staff responsible for food service shall maintain a current list of consumers with special nutritional needs and record in the consumers service record information relating to special nutritional needs and provide for nutrition counseling where indicated.

C. The program shall establish and post kitchen rules and privileges according to consumer needs.

D. Consumers present in the facility for four or more consecutive hours shall be provided nutritious food.

E. Meals may be prepared at the facility or catered.

F. Kitchens shall have clean, safe, and operational equipment for the preparation, storage, serving, and clean up of all meals.

G. Adequate dining space shall be provided for consumers. The dining space shall be maintained in a clean and safe condition.

H. When meals are prepared by consumers there shall be a written policy to include the following:

1. rules of kitchen privileges,
2. menu planning and procedures,
3. nutritional and sanitation requirements, and
4. schedule of responsibilities.

R501-19-10. Medication.

A. The program shall have locked storage for medications.

B. The program shall have locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities.

C. Prescriptive medication shall be provided as prescribed by a qualified physician, according to the Medical Practices Act.

D. The program shall have designated qualified staff, who shall be responsible to:

1. administer medication,
2. supervise self-medication,
3. record medication, including time and dosage, according to prescription, and

4. record effects of medication.

R501-19-11. Specialized Services for Substance Abuse.

A. The program shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma, or unconscious.

B. At a minimum, the program shall document that direct service staff complete standard first aid and CPR training within six months of being hired. Training shall be updated as required by the certifying agency.

C. Before admission, consumers shall be tested for Tuberculosis. Both consumers and staff shall be tested annually or as directed by the local health authority.

R501-19-12. Specialized Services for Programs Serving Children and Youth.

A. Provisions shall be available for adolescents to continue their education with a curriculum approved by the State Office of Education.

B. Programs which provide their own school shall be recognized by an educational accreditation organization, i.e., State Board of Education or the National School Accreditation Board.

C. Individual, group, couple, and family counseling sessions or other appropriate treatment, including skills development, shall be conducted at least weekly, or more often if defined by the treatment plan. The consumer's record shall document the time and date of the service provided and include the signature of the counselor.

D. An accurate record shall be kept of all funds deposited and withdrawn with the residential facility for use by a consumer. Consumer purchases of over \$20.00 per item, shall be substantiated by receipts signed by the consumer and appropriate staff.

R501-19-13. Specialized Services for Division of Services for People With Disabilities.

A. Rules governing the daily operation and activities of the facility shall be available to all consumers and visitors, and shall apply to family members, consumers, and staff that come into the facility.

B. The program shall have policy specifying the amount of time family or friends may stay as overnight guests.

C. All consumers in residential programs shall have an individual plan that addresses appropriate day treatment.

D. A monthly schedule of activities shall be shared with the consumer and available on request. Schedules shall be filed and maintained for review.

E. A record of income, earned, unearned, and consumer service fees, shall be maintained by the provider.

F. Residential facilities shall be located where school, church, recreation, and other community facilities are available.

G. An accurate record shall be kept of all funds deposited with the residential facility for use by a consumer. This record shall contain a list of deposits and withdrawals. Consumer purchases of over \$20.00, per item, shall be substantiated by receipts signed by the consumer and professional staff. A record shall be kept of consumer petty cash funds.

H. The program, in conjunction with the parent or guardian and the Division of Services for People With Disabilities support

coordinator, shall apply for unearned income benefits for which a consumer is entitled.

KEY: human services, licensing
April 17, 2000

62A-2-101 et seq.



**Human Services, Administration,
Administrative Services, Licensing**
R501-20

Day Treatment Programs

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 22696

FILED: 03/01/2000, 14:56

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule replaces, in part, Rule R501-3, which is being repealed. Rule R501-3 consisted of four separate categories of service. This rule represents one category of service - day treatment programs.

SUMMARY OF THE RULE OR CHANGE: This is a reorganization of the structure of a rule. Rule R501-3 consisted of four separate categories of service and is being repealed. This rule represents one category of service.

(DAR Note: The proposed repeal of Rule R501-3 is under DAR No. 22694. It was rewritten and proposed as new rules R501-19 (DAR No. 22695), R501-20 (DAR No. 22696), R501-21 (DAR No. 22697), and R501-22 (DAR No. 22698). All of these rules are in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost to the state or local government. There may be slight savings to the state in printing costs.

❖LOCAL GOVERNMENTS: There is no cost or savings to local government as these rules do not apply to local government.

❖OTHER PERSONS: There would be no change in costs for other persons. This is a reorganization of a rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no change in compliance costs for the affected persons. This is a reorganization of a rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be no impact on businesses. This is reorganization of the structure of a rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsadmin2.gsedgwic@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/17/2000

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-20. Day Treatment Programs.

R501-20-1. Authority.

Pursuant to Section 62A-2-101 et seq., the Office of Licensing shall license day treatment programs according to the following rules.

R501-20-2. Purpose.

A day treatment program provides services to individuals who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service in accordance with Subsection 62A-2-101(4).

R501-20-3. Definition.

Day treatment program means specialized treatment for less than 24 hours a day, for four or more persons who are unrelated to the owner or provider pursuant to Subsection 62A-2-101(4).

R501-20-4. Administration.

A. In addition to the following rules, all Day Treatment Programs shall comply with R501-2, Core Standards.

B. A list of current consumers shall be available and on-site at all times.

R501-20-5. Staffing.

A. The program shall have an employed manager who is responsible for the day to day supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent, there shall be a substitute available.

B. The program shall have a staff person trained, by a certified instructor, in first aid and CPR on duty with the consumers at all times.

C. Staffing Ratios

1. The minimum ratio shall be one direct care staff to ten consumers. In Division of Services for People With Disabilities programs, consumer ratios shall be determined by type of activity.

2. When 10% or more of the consumers are non-ambulatory, the ratio shall be one direct care staff to seven consumers.

D. Professional staff shall include the following individuals who have received training in the specific area listed below:

1. Mental Health

a. a licensed physician, or consulting licensed physician,

b. a licensed psychologist, or consulting licensed psychologist,

c. a licensed mental health therapist or consulting licensed mental health therapist, and

d. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or a consulting licensed advanced practice registered nurse-psychiatric mental health nurse specialist.

e. If unlicensed staff are used they shall be supervised by a licensed clinical professional.

2. Substance Abuse

a. a licensed physician or consulting licensed physician,

b. a licensed psychologist or consulting licensed psychologist,

c. a licensed mental health therapist or consulting licensed mental health therapist, and

d. a licensed substance abuse counselor or unlicensed staff who work with substance abuses shall be supervised by a licensed clinical professional.

3. Children and Youth

a. a licensed physician, or consulting licensed physician,

b. a licensed psychologist, or consulting licensed psychologist,

c. a licensed mental health therapist or consulting licensed mental health therapist, to provide a minimum of one hour of service per week per consumer enrolled in the program, and

d. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or consulting licensed advanced practice registered nurse-psychiatric mental health nurse specialist.

e. If unlicensed staff are used, they shall be trained to work with emotionally and behaviorally disturbed, or conduct disordered children and youth and shall be under the supervision of a licensed clinical professional.

4. Services for People With Disabilities

a. a staff person responsible for consumer supervision and operation of the facility, and

b. trained staff to provide the services and treatment stated in the consumer's plan.

R501-20-6. Direct Service.

A. Day treatment activity plans shall be prepared to meet individual consumer needs. Daily activity plans may include behavioral training, community living skills, work activity, work adjustment, recreation, self-feeding, self-care, toilet training, social appropriateness, development of gross and fine motor skills, interpersonal adjustment, mobility training, self-sufficiency training, and to encourage optimal mental or physical function, speech, audiology, physical therapy, and psychological services, counseling, and socialization.

B. A daily activity or service schedule shall be designed and implemented.

C. While on-site, consumers shall be supervised as necessary and encouraged to participate in activities.

D. All consumers shall be afforded the same quality of care.

R501-20-7. Physical Environment.

A. The program shall provide written documentation of compliance with the following:

- 1. local zoning ordinances,
- 2. local business license requirements,
- 3. local building codes,
- 4. local fire safety regulations,
- 5. local health codes, and
- 6. local approval from the appropriate government agency for new program services or increased consumer capacity.

B. Building and Grounds

- 1. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained.
- 2. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff.

R501-20-8. Physical Facility.

A. The program shall have a minimum of fifty square feet of floor space per consumer designated specifically for day treatment. Hallways, office, storage, kitchens, and bathrooms will not be included in computation.

B. Outdoor recreational space and compatible recreational equipment shall be available when necessary to meet treatment plans.

C. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer needs and shall be maintained in a clean and safe condition.

D. The program shall have locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities.

E. Equipment

Equipment for work activities shall be kept in safe operating condition.

- 1. Power equipment shall be installed and maintained in accordance with the National Electrical Code.
- 2. When operating power equipment, the operator shall wear safe clothing and protective eye gear.
- 3. Rings and watches are not to be worn, and long hair shall be confined when operating power equipment.
- 4. Consumer exposure to hazardous materials shall be controlled as defined in Utah State Industrial Regulations.

F. Bathrooms

- 1. The program shall have one or more bathrooms each for males and females in accordance with current uniform building codes. They shall be maintained in good operating order and in a clean and safe condition.
- 2. Bathrooms shall accommodate consumers with physical disabilities as required.
- 3. Bathrooms shall be properly equipped with toilet paper, towels, soap, and other items required for personal hygiene.
- 4. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.

R501-20-9. Food Service.

A. One person shall be responsible for food service. If this person is not a professionally qualified dietitian, regularly

scheduled consultation with a professionally qualified dietitian shall be obtained. Meals served shall be from dietitian approved menus.

B. The person responsible for food service shall maintain a current list of consumers with special nutritional needs and record in the consumers service record information relating to special nutritional needs and provide for nutrition counseling where indicated.

C. When meals are prepared by consumers, there shall be a written policy to include the following:

- 1. rules of kitchen privileges,
- 2. menu planning and procedures,
- 3. nutritional and sanitation requirements, and
- 4. schedule of responsibilities.

D. The program shall provide adequate storage and refrigeration for meals carried to the program by consumers.

E. Kitchens shall have clean, operational equipment for the preparation, storage, serving, and clean up of all meals.

F. Adequate dining space shall be provided for consumers. The dining space shall be maintained in a clean and safe condition.

R501-20-10. Medication.

A. Prescriptive medication shall be provided as prescribed by a qualified person according to the Medical Practices Act.

B. The program shall have locked storage for medication.

C. The program shall have written policy and procedure to include the following:

- 1. self administered medication,
- 2. storage,
- 3. control, and
- 4. release and disposal of drugs in accordance with federal and state regulations.

KEY: human services, licensing
April 17, 2000

62A-2-101 et seq.



**Human Services, Administration,
Administrative Services, Licensing**

R501-21

Outpatient Treatment Programs

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22697

FILED: 03/01/2000, 14:56

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule replaces, in part, Rule R501-3, which is being repealed. Rule R501-3 consisted of four separate categories of service. This rule represents one category of service - outpatient treatment programs.

SUMMARY OF THE RULE OR CHANGE: This is a reorganization of the structure of a rule. Rule R501-3 consisted of four separate categories of service and is being repealed. This rule represents one category of service.

(DAR Note: The proposed repeal of Rule R501-3 is under DAR No. 22694. It was rewritten and proposed as new rules R501-19 (DAR No. 22695), R501-20 (DAR No. 22696), R501-21 (DAR No. 22697), and R501-22 (DAR No. 22698). All of these rules are in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost to the state or local government. There may be slight savings to the state in printing costs.

❖LOCAL GOVERNMENTS: There is no cost or savings to local government as these rules do not apply to local government.

❖OTHER PERSONS: There would be no change in costs for other persons. This is a reorganization of a rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no change in compliance costs for the affected persons. This is a reorganization of a rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be no impact on businesses. This is a reorganization of the structure of a rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsadmin2.gsedgwic@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/17/2000

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-21. Outpatient Treatment Programs.

R501-21-1. Authority.

Pursuant to Section 62A-2-101 et seq., the Office of Licensing, shall license outpatient treatment programs according to the following rules.

R501-21-2. Purpose.

Outpatient treatment programs shall serve consumers who require less structure than offered in day treatment or residential treatment programs. Consumers are provided treatment as often as determined and noted in the treatment plan.

R501-21-3. Definition.

Outpatient treatment program means individual, family, or group therapy or counseling designed to improve and enhance social or psychological functioning for those whose physical and emotional status allows them to continue functioning in their usual living environment in accordance with Subsection 62A-2-101(12).

R501-21-4. Administration.

A. In addition to the following rules, all Outpatient Treatment Programs shall comply with R501-2, Core Standards.

B. A current list of enrollment of all registered consumers shall be on-site at all times.

R501-21-5. Staffing.

Professional staff shall include at least one of the following individuals who has received training in the specific area listed below:

A. Mental Health

1. a licensed physician, or

2. a licensed psychologist, or

3. a licensed mental health therapist, or

4. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist.

5. If unlicensed staff are used, they shall not supervise clinical programs. Unlicensed staff shall be trained to work with psychiatric consumers and be supervised by a licensed clinical professional.

B. Substance Abuse

1. a licensed physician, or

2. a licensed psychologist, or

3. a licensed mental health therapist, or

4. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist.

5. A licensed substance abuse counselor or unlicensed staff who work with substance abusers shall be supervised by a licensed clinical professional.

C. Children and Youth

1. a licensed psychiatrist, or

2. a licensed psychologist, or

3. a licensed mental health therapist, or

4. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist.

5. If the following individuals are used they shall not supervise clinical programs: A person with a graduate degree in counseling, psychiatric nursing, marriage and family therapy, social work or psychology who is working toward a clinical license, and has been approved by the Division of Occupational and Professional Licensing for the appropriate supervision, or a second year graduate student training for one of the above degrees.

D. Domestic Violence

1. a licensed psychiatrist, or

2. a licensed psychologist, or

3. a licensed clinical social worker, or

4. a licensed marriage and family therapist, or

- 5. a licensed professional counselor, or
- 6. a licensed advanced practice registered nurse-psychiatric mental health nurse specialist, or
- 7. a person with a graduate degree in counseling, psychiatric nursing, marriage and family therapy, social work or psychology who is working toward a clinical license, and has been approved by the Division of Occupational and Professional Licensing for the appropriate supervision, or
- 8. a second year graduate student in training for one of the above degrees, or
- 9. a licensed social services worker with at least three years of continual, full time, related experience, when practicing under the direction and supervision of a licensed clinical professional.
- 10. Individuals from categories g.h. above shall not supervise clinical programs. Individuals in category i. above shall not supervise clinical programs, and may only co-facilitate group therapy sessions with a person qualified per paragraphs a. through f. above.

R501-21-6. Direct Service.

A. Treatment plans shall be developed based on assessment and evaluation of individual consumer needs. The treatment may be consultive and may include medication management.

B. Treatment plans shall be reviewed and signed by a licensed clinical professional as frequently as determined in the treatment plan.

C. Except for Domestic Violence, individual, group, couple, or family counseling sessions shall be provided to the consumer as frequently as determined in the treatment plan. In the consumer's record and in the progress notes, the date of the session and the provider shall be documented. Treatment sessions may be provided less frequently than once a month if approved by the clinical supervisor and justified in the consumer record.

D. Domestic violence treatment programs shall comply with generally accepted practices in the current domestic violence literature and the following requirements:

1. Maintain and document cooperative working relationships with domestic violence shelters, treatment programs, referring agencies, custodial parents when the consumer is a minor and local domestic violence coalitions. If the consumer is a perpetrator, contact with victims, current partner, and the criminal justice referring agencies is also required, as appropriate.

2. Treatment sessions for each perpetrator, not including orientation and assessment interviews, shall be provided for at least one hour per week for a minimum of sixteen weeks. Treatment sessions for children and victims shall offer a minimum of 10 sessions for each consumer not including intake or orientation.

3. Staff to Consumer Ratio:

a. The staff to consumer ratio in adult treatment groups shall be one to eight for a one hour long group or one to ten for an hour and a half long group. The maximum group size shall not exceed sixteen.

b. Child victim or child witness groups shall have a ratio of one staff to eight children when the consumers are under twelve years of age, and a one staff to ten children ratio when the consumers are twelve years of age or older.

c. When any consumer enters a treatment program the staff shall conduct an in-depth, face to face interview and assessment to determine the consumer's clinical profile and treatment needs. For

perpetrator consumers, additional information shall be obtained from the police incident report, perpetrator's criminal history, prior treatment providers, and the victim. When appropriate, additional information for child consumers shall be obtained from parents, prior treatment providers, schools and Child Protective Services. When any of the above information cannot be obtained the reason shall be documented. The assessment shall include the following:

1) a profile of the frequency, severity and duration of the domestic violence behavior, which includes a summary of psychological violence.

2) documentation of any homicidal, suicidal ideation and intentions as well as abusive behavior toward children.

3) a clinical diagnosis and a referral for evaluation to determine the need for medication if indicated.

4) documentation of safety planning when the consumer is an adult victim, child victim, or child witness, and that they have contact with the perpetrator. For victims who choose not to become treatment consumers, safety planning shall be addressed when they are contacted, and

5) documentation that appropriate measures have been taken to protect children from harm.

4. Consumers deemed appropriate for a domestic violence treatment program shall have an individualized treatment plan, which addresses all relevant treatment issues. Consumers who are not deemed appropriate for domestic violence programs shall be referred to the appropriate resource, with the reasons for referral documented and notification given to the referring agency. Domestic violence counseling shall be provided when appropriate, concurrently with or after other necessary treatment.

5. Conjoint or group therapy sessions with victims and perpetrators together or with both co-perpetrators shall not be provided until a comprehensive assessment has been completed to determine that the violence has stopped and that conjoint treatment is appropriate. The perpetrator must complete a minimum of 12 domestic violence treatment sessions prior to implementing conjoint therapy.

6. A written procedure shall be implemented to facilitate the following in an efficient and timely manner:

a. entry of the court ordered defendant into treatment,

b. notification of consumer compliance, participation or completion,

c. disposition of non-compliant consumers,

d. notification of the recurrence of violence, and

e. notification of factors which may exacerbate an individual's potential for violence.

7. Comply with the "Duty to Warn," Section 78-14a-102.

8. Document specialized training in domestic violence assessment and treatment practices including 24 hours of pre-service training within the last two years and 16 hours of training annually thereafter for all individuals providing treatment services.

9. Clinical supervision for treatment staff who are not clinically licensed shall consist of a minimum of an hour a week to discuss clinical dynamics of cases.

R501-21-7. Physical Environment.

A. The program shall provide written documentation of compliance with the following:

1. local zoning ordinances,

2. local business license requirements,

- 3. local building codes,
- 4. local fire safety regulations, and
- 5. local health codes.

B. Building and Grounds

- 1. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained.
- 2. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff.

R501-21-8. Physical Facility.

A. Space shall be provided for private and group counseling sessions.

B. The program shall have storage for the following:

- 1. locked storage for medications, and
- 2. locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities.

C. Equipment

- 1. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer plans.
- 2. All furniture and equipment shall be maintained in a clean and safe condition.

D. Bathrooms

- 1. Bathrooms shall accommodate physically disabled consumers.
- 2. Each bathroom shall be maintained in good operating order and be properly equipped with toilet paper, towels, and soap.
- 3. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.

KEY: human services, licensing

April 17, 2000

62A-2-101 et seq.

Human Services, Administration,
Administrative Services, Licensing

R501-22

Residential Support Programs

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22698

FILED: 03/01/2000, 14:56

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule replaces, in part, Rule R501-3, which is being repealed. Rule R501-3 consisted of four separate categories of service. This rule represents one category of service - residential support programs.

SUMMARY OF THE RULE OR CHANGE: This is a reorganization of the structure of a rule. Rule R501-3 consisted of four separate categories of service and is being repealed. This rule represents one category of service.

(DAR Note: The proposed repeal of Rule R501-3 is under DAR No. 22694. It was rewritten and proposed as new rules R501-19 (DAR No. 22695), R501-20 (DAR No. 22696), R501-21 (DAR No. 22697), and R501-22 (DAR No. 22698). All of these rules are in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost to the state or local government. There may be slight savings to the state in printing costs.

❖LOCAL GOVERNMENTS: There is no cost or savings to local government as these rules do not apply to local government.

❖OTHER PERSONS: There would be no change in costs for other persons. This is a reorganization of a rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no change in compliance costs for the affected persons. This is a reorganization of a rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be no impact on businesses. This is a reorganization of the structure of a rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsadmin2.gsedgwic@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/17/2000

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-22. Residential Support Programs.

R501-22-1. Authority.

Pursuant to Section 62A-2-101 et seq., the Office of Licensing, shall license residential support programs according to the following rules.

R501-22-2. Purpose.

Residential support programs arrange for or provide the necessities of life as a protective service to individuals or families who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of residential support, however treatment shall be made available on request.

R501-22-3. Definition.

Residential Support program means a 24-hour group living environment, providing room and board for four or more consumers unrelated to the owner or provider in accordance with Subsection 62A-02-101(14).

R501-22-4. Administration.

A. In addition to the following rules, all Residential Support Programs shall comply with R501-2, Core Standards.

B. The program shall ensure that consumers receive direct service from an assigned worker or other appropriate professional.

C. A list of current consumers shall be available and on-site at all times.

R501-22-5. Staffing.

A. The program shall have an employed manager responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute to assume managerial responsibility as needed. With the exception of Domestic Violence Shelters, adult programs are not required to provide twenty four hour supervision.

B. The program shall make arrangement for medical backup with a medical clinic or physician licensed to practice medicine in the State of Utah.

C. During normal staff hours, the program shall have at least one person on duty who has completed and remains current in a certified first aid and CPR program.

D. Programs which utilize students and volunteers, shall provide screening, training, and evaluation of volunteers. Volunteers providing care in Domestic Violence Shelters, without paid staff present, shall have direct communication access to designated staff at all times. Volunteers shall be informed verbally and in writing of program objectives and scope of service.

R501-22-6. Direct Service.

This section supersedes core standards, Section R501-2-8.

A. The program consumer records shall contain the following:

1. name, address, telephone number, admission date, and personal information as required by the program.

2. emergency information with names, address, and telephone numbers.

3. a statement indicating that the resident meets the admission criteria.

4. description of presenting problems.

5. service plan and services provided, and referral arrangements as required by the program.

6. discharge date.

7. signature of person or persons, or designee providing services, and

8. crisis intervention and incident reports.

B. The program's consumer service plan shall offer and document as many life enhancement opportunities as are appropriate and reasonable.

C. Domestic Violence Shelter action plans shall include the following:

1. a review of danger and lethality with victim and discussion of the level of the victim's risk of safety.

2. a review of safety plan with the victim.

3. a review of the procedure for a protective order and referral to appropriate agency or clerk of the court authorized to issue the protective order, and

4. a review of supportive services to include, but not limited to medical, self sufficiency, day care, legal, financial, and housing assistance. The program shall facilitate connecting services to those resources as requested. Appropriate referrals shall be made, when indicated, and documented in the consumer record for victim treatment, psychiatric consultation, drug and alcohol treatment, or other allied services.

5. Domestic Violence Shelter staff completing action plans shall have at least a Bachelor's Degree in Behavioral Sciences.

R501-22-7. Physical Environment.

A. The program shall provide written documentation of compliance with the following:

1. local zoning ordinances.

2. local business license requirements.

3. local building codes.

4. local fire safety regulations.

5. local health codes, and

6. local approval from the appropriate government agency for new program services or increased consumer capacity.

B. Building and Grounds

1. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained.

2. The program shall take reasonable measures to ensure a safe physical environment for its consumers and staff.

R501-22-8. Physical Facility.

A. Live-in staff shall have separate living space with a private bathroom.

B. The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.

C. Space shall be provided for private and group counseling sessions.

D. Bathrooms

1. There shall be separate bathrooms, including a toilet, lavatory, tub or shower, for males and females. These shall be maintained in good operating order and in a clean and safe condition.

2. Consumer to bathroom ratios shall be 10 to one.

3. Bathrooms shall accommodate consumers with physical disabilities, as required.

4. Each bathroom shall be maintained in good operating order and be equipped with toilet paper, towels, and soap.

5. There shall be mirrors secured to the walls at convenient heights.

6. Bathrooms shall be placed as to allow access without disturbing other residents during sleeping hours.

7. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.

8. Domestic Violence Shelters Bathrooms

a. family members may share bathrooms, and
b. where bathrooms are shared by more than one family or by children over the age of eight, parents or program staff shall ensure that privacy is protected.

E. Sleeping Accommodations

1. A minimum of 60 square feet per consumer shall be provided in a multiple occupant bedroom and 80 square feet in a single occupant bedroom. Storage space shall not be counted.

2. Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.

3. Each bed, none of which shall be portable, shall be solidly constructed and be provided with clean linens after each consumer stay and at least weekly.

4. Sleeping quarters serving male and female residents shall be structurally separated.

5. Consumers shall be allowed to decorate and personalize bedrooms with respect for other residents and property.

6. For Domestic Violence Shelters, Family Support Centers and children's shelters, the following shall apply:

a. A minimum of 40 square feet per consumer shall be provided in a multiple occupant bedroom. Storage space shall not be counted. The use of one crib for children under two years of age shall not be counted in the square foot requirement as long as it does not inhibit access to and from the room.

b. Roll away and hide-a-beds may be used as long as the consumer square foot requirement is maintained.

c. Family members are allowed to share bedrooms. Where bedrooms are shared by more than one family, parents or program staff shall make appropriate arrangements to ensure privacy is protected.

F. Equipment

1. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer needs.

2. All furniture and equipment shall be maintained in a clean and safe condition.

G. Storage

1. The program shall have locked storage for medications.

2. The program shall have locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities.

3. Any weapons brought into the facility shall be secured in a locked storage area or removed from the premises.

H. Laundry Service

1. Programs which permit consumers to do their own laundry shall provide equipment and supplies for washing, drying, and ironing.

2. Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing.

3. Laundry appliances shall be maintained in good operating order and in a clean and safe condition.

R501-22-9. Food Service.

A. One staff shall be responsible for food service. If this person is not a professionally qualified dietitian, regularly

scheduled consultation with a professionally qualified dietitian shall be obtained. Meals served shall be from dietitian approved menus.

B. The staff responsible for food service shall maintain a current list of consumers with special nutritional needs and record in the consumer's service record information relating to special nutritional needs and provide for nutritional counseling where indicated.

C. The program shall establish and post kitchen rules and privileges according to consumer needs.

D. Consumers present in the facility for four or more consecutive hours shall be provided nutritious food.

E. Meals may be prepared at the facility or catered.

F. Kitchens shall have clean, safe operational equipment for the preparation, storage, serving, and clean up of all meals.

G. Adequate dining space shall be provided for consumers. The dining space shall be maintained in a clean and safe condition.

H. When meals are prepared by consumers, there shall be a written policy to include the following:

1. rules of kitchen privileges,

2. menu planning and procedures,

3. nutritional and sanitation requirements, and

4. schedule of responsibilities.

R501-22-10. Specialized Services for Substance Abuse.

A. The program shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma or unconscious.

B. Before admission, consumers shall be tested for Tuberculosis. Both consumers and staff shall be tested annually or as directed by the local health requirements.

R501-22-11. Specialized Services for Programs Serving Children.

A. The program shall provide clean and safe age appropriate toys for children.

B. The program shall provide an outdoor play area enclosed with a five foot safety fence.

C. Only custodial parents, legal guardian, or persons designated in writing, are allowed to remove any child from the program.

D. The program shall provide adequate staff to supervise children at all times.

R501-22-12. Specialized Services for Domestic Violence Shelters.

A. The program shall provide clean and safe age appropriate toys for children.

B. The program shall provide an outdoor play area enclosed with a five foot safety fence.

C. The program shall provide and document the following information both verbally and in writing to the consumer: Shelter rules, reason for termination, and confidentiality issues.

D. Parents are responsible for supervising their children while at the shelter. If parents are required to be away from the shelter or involved in shelter activities without their children, they shall arrange for appropriate child care services.

KEY: human services, licensing
April 17, 2000

62A-2-101 et seq.



Natural Resources; Forestry, Fire and
State Lands
R652-30-610
Utah Lake Agricultural Leases

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22680
FILED: 02/22/2000, 11:08
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purposes of the technical and minor amendments are to: eliminate the perception that the division is obligated to accommodate historical agricultural use; clarify the procedure through which leases are issued; and avoid delegation of a government function to a private entity.

SUMMARY OF THE RULE OR CHANGE: Amendments replace language that could be perceived as inconsistent with statute. Reference to the Utah Farm Bureau is deleted and replaced with reference to "interested parties." The leasing procedure is clarified by specifying that it is a negotiation process.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 65A-7-1

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The amendments do not change application of the rule. No cost or savings are anticipated.
 - ❖LOCAL GOVERNMENTS: The amendments do not change application of the rule. No cost or savings are anticipated.
 - ❖OTHER PERSONS: Other persons may incur some expense in providing what they believe to be relevant information the division should consider in setting lease fees. The information will be offered voluntarily. The cost is unknown, but is expected to be less than \$50 every third year.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance is not applicable--submission of information is voluntary and is in the form of offering information for the division to consider. The cost should be less than \$50 every third year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Compliance is not applicable--the amendments do not change application of the rule. The fiscal impact occurs when persons choose to offer information for the division to consider.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Forestry, Fire and State Lands
Suite 3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or by Internet E-mail at nrslf.kkappe@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/18/2000

AUTHORIZED BY: Karl Kappe, Strategic Planner

R652. Natural Resources; Forestry, Fire and State Lands.
R652-30. Special Use Leases.
R652-30-610. Utah Lake Agricultural Leases.

~~[In order to accommodate historical agricultural use of Utah Lake sovereign lands t]The division will manage agricultural use on the bed of Utah Lake with substantial deference to the interests of immediate upland owners and existing individual boundary agreements. Notwithstanding[- Provisions of] Sections R652-30-400, 500 and 600 [notwithstanding, agricultural]these leases will be issued [under]in accordance with the following[- terms]:~~

1. ~~[Pending completion of a comprehensive management plan for Utah Lake, applications for a]Agricultural leases will be [accepted only]negotiated for historical agricultural use on sovereign land.~~
2. Lease applications must be submitted to the division by October 1 annually for agricultural use the following season. The applicant shall specify the number of acres requested and provide proof of historical use satisfactory to the division. The director shall waive the application fee or credit the application fee against rental due.
3. Unless otherwise specified in a sovereign land boundary agreement agricultural leases shall be limited to a term of one year with an option to extend the lease for one year at a time. If a longer term is negotiated in a boundary agreement, the lessee shall apprise the division by October 1 annually of lessee's intent to use the land the following season.
4. Leases will be issued only to the immediate upland owner or to another person with the consent of the immediate upland owner.
5. The lessee may fence the sovereign lands under lease. The fence may extend lakeward only to the water's edge and must be withdrawn as the lake level rises.

6. The lease fee will be determined by the division and in consultation with ~~[the Utah Farm Bureau]~~ interested parties, who are invited to provide any information that may be relevant in setting lease fees. The division's calculations ~~[-and]~~ will be based on acreage. The fee will be reviewed every three years and adjusted to reflect fair market value.

7. A lease issued pursuant to a boundary agreement shall terminate upon conveyance of the upland to another owner.

8. Crops must be harvested from sovereign land before October 1 annually. The land under lease shall be open to the public for waterfowl hunting, upland game hunting and traditional public uses.

9. No land leveling, ditching, or watercourse alteration on the sovereign land will be allowed.

10. Public trust values will be considered prior to issuance of a lease. Lands with significant wildlife, wetland or other values may be excluded from leasing.

11. Issuance of a lease does not exempt the lessee from jurisdictional authority and requirements administered by the US Army Corps of Engineers.

12. Agricultural practices which adversely affect water quality will not be allowed. Implementation of improper practices, as determined by the appropriate state or federal agency, shall subject the lease to termination.

KEY: administrative procedure, leases

~~[September 29, 1999]~~ **2000**

Notice of Continuation April 11, 1997

65A-7-1

65A-7-5(4)



Natural Resources; Forestry, Fire and State Lands

R652-50-610

Utah Lake Grazing Permits

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22681

FILED: 02/22/2000, 11:08

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purposes of the technical and minor amendments are to: eliminate the perception that the division is obligated to accommodate historical grazing use; clarify the extent to which fences may be built into water; and avoid delegation of a government function to a private entity.

SUMMARY OF THE RULE OR CHANGE: Amendments replace language that could be perceived as inconsistent with statute. Reference to the Utah Farm Bureau is deleted and replaced with reference to "interested parties." The fencing provision is clarified to allow fences to extend into water.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 65A-9-2

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amendments do not change application of the rule. No cost or savings are anticipated.

❖LOCAL GOVERNMENTS: The amendments do not change application of the rule. No cost or savings are anticipated.

❖OTHER PERSONS: Other persons may incur some expense in providing what they believe to be relevant information the division should consider in setting permit fees. The information will be offered voluntarily. The cost is unknown but is expected to be less than \$50 every year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance is not applicable--submission of information is voluntary and is in the form of offering information for the division to consider. The cost should be less than \$50 for every year information is offered.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: Compliance is not applicable--the amendments do not change application of the rule. The fiscal impact occurs when persons choose to offer information for the division to consider.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Forestry, Fire and State Lands
Suite 3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or by Internet E-mail at nrslf.kkappe@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/18/2000

AUTHORIZED BY: Karl Kappe, Strategic Planner

R652. Natural Resources; Forestry, Fire and State Lands.

R652-50. Range Management.

R652-50-610. Utah Lake Grazing Permits.

~~[In order to accommodate historical grazing use of Utah Lake sovereign lands t]~~The division will manage grazing on the bed of Utah Lake with substantial deference to the interests of immediate upland owners and existing boundary agreements. Notwithstanding ~~[-Provisions of]~~ Sections R652-50-400, 500 and 600 ~~[-notwithstanding]~~, grazing permits will be issued ~~[under]~~ in accordance with the following ~~[-terms]~~:

1. Permit applications must be submitted to the division by October 1 annually for grazing the following season. The applicant shall specify the number of acres and the number and kind of livestock requested. The director may waive the application fee.

2. Unless otherwise specified in a sovereign land boundary agreement grazing permits shall be limited to a term of one year with an option to extend the permit for one year at a time.

3. Permits will be issued only to the immediate upland owner or to another person with the consent of the immediate upland owner. Existing permits will not be affected for the duration of their term.

4. The permittee shall fence-in livestock on lands under permit. The fence may extend lakeward only to the water's edge or reasonably beyond to restrain livestock and must be withdrawn for navigation safety as the lake level rises.

5. The grazing fee will be determined annually by the division in consultation with ~~[the Utah Farm Bureau and will be based on acreage. The fee will be reviewed annually.]~~ interested parties, who are invited to provide any information that may be relevant to setting the grazing fee. The division's calculations will be based on acreage.

6. A permit issued pursuant to a boundary agreement shall terminate upon conveyance of the upland to another owner.

7. Livestock may not enter the permit area until a date specified annually by the director and must be removed from sovereign land before the opening date of the annual waterfowl season. The land under permit shall be open to the public for waterfowl hunting.

8. No supplemental feeding on sovereign land will be allowed.

KEY: administrative procedure, range management
[September 29, 1999]2000 65A-9-2
Notice of Continuation April 11, 1997



Natural Resources, Wildlife Resources

R657-13-4

Fishing Contests

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 22693
FILED: 03/01/2000, 14:41
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to allow the Division of Wildlife Resources (DWR) greater flexibility in using fishing contests to achieve fishery management objectives.

SUMMARY OF THE RULE OR CHANGE: This amendment adds the provision to Section R657-13-4 that the DWR may deny

issuing a certificate of registration or impose stipulations or conditions on the issuance of a certificate of registration for fishing contests in order to achieve management objectives.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment allows DWR to deny issuing a certificate of registration or impose stipulations or conditions on the issuance of a certificate of registration for fishing contests in order to achieve management objectives. Therefore, the amendment does not create a cost or savings impact to the state budget or DWR's budget.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: This amendment provides DWR authority to deny issuing a certificate of registration or impose stipulations or conditions on the issuance of a certificate of registration for fishing contests in order to achieve management objectives. Therefore, the amendment does not generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment provides the DWR authority to deny issuing a certificate of registration or impose stipulations or conditions on the issuance of a certificate of registration for fishing contests in order to achieve management objectives. Therefore, the amendment does not impose any compliance costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 04/15/2000

AUTHORIZED BY: John Kimball, Director



R657. Natural Resources, Wildlife Resources.

R657-13. Taking Fish and Crayfish.

R657-13-4. Fishing Contests.

(1)(a) A certificate of registration from the division is required for fishing contests:

- (i) with 50 or more contestants; or
- (ii) any fishing contest offering \$500 or more in prizes.

(b)(i) Application for certificates of registration are available from division offices and must be submitted at least 60 days prior to the date of the fishing contest.

(ii) The division may take public comment before issuing a certificate of registration if, in the opinion of the division, the proposed fishing contest has potential impacts to the public or substantially impacts a public fishery.

(c) A certificate of registration may cover more than one fishing contest.

(d) The division may deny issuing a certificate of registration or impose stipulations or conditions on the issuance of the certificate of registration in order to achieve a management objective, to adequately protect a fishery or to offset impacts on a fishery or heavy uses of other public resources.

(e) A report must be filed with the division within 30 days after the fishing contest is held. The information required shall be listed on the certificate of registration.

(f)(i) Only one fishing contest may be held on a given water at any time. Each fishing contest is restricted to being held on only one water at a time.

(ii) Fishing contests may not be held on a holiday weekend, state or federal holiday, or free fishing day, except as provided in Subsection (g).

(g) A fishing contest may be held on free fishing day and a certificate of registration is not required if :

- (i) contestants are limited to persons 13 years of age or younger; and
 - (ii) less than \$500 are offered in prizes.
- (2) Fishing contests conducted for cold water species of fish such as trout and salmon may not be conducted:

(a) if the fishing contest offers \$500 or more in total prizes, except on Flaming Gorge Reservoir there is no limit to the amount that may be offered in prizes;

(b) those waters where the Wildlife Board has imposed special harvest rules as provided in the annual proclamation of the Wildlife Board for taking fish and crayfish.

(3) Contests ~~conducted~~ for warm water species of fish ~~must~~ shall be conducted as follows:

(a) ~~contest rules:~~ all contests must be:

~~[(i) may not allow a person to keep any fish, except for incident mortalities or trophy fish; and](i) authorized by the division through the issuance of a certificate of registration; and~~

~~[(ii) must encourage the live release of all fish;](ii) carried out consistent with any requirements imposed by the division;~~

(b) Fish brought in to be weighed or measured may not be released within 1/2 mile of a marina, boat ramp, or other weigh-in site and must be released back into suitable habitat for that species; and

(c) If tournament rules allow smaller fish to be entered in the contest than the size allowed for possession under the proclamation of the Wildlife Board for taking fish and crayfish, the fish must be weighed or measured immediately and released where they were caught.

KEY: fish, fishing, wildlife, wildlife law

~~[January 3,]2000~~

Notice of Continuation September 26, 1997

23-14-18

23-14-19

23-19-1

23-22-3



**Workforce Services, Employment
Development
R986-212-218
Limits on Eligibility, Time Limits**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22689

FILED: 02/24/2000, 15:05

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new section (R986-212-218) is intended to replace Subsection R986-221-101(5)(r), which is being amended simultaneously with the effective date of this change. Clarifications in language were made and a paragraph was added to conform to federal law which provides that months on assistance count in Indian Country or an Alaskan Native village when the unemployment rate is over 50%. The purpose of this new section is to more clearly define the extension criteria for eligibility beyond the 36-month lifetime limit for customers receiving cash assistance from the Family Employment Program (TANF (Temporary Assistance for Needy Families) cash assistance). The revised extensions were effective August 1, 1999, allowing for implementation on January 1, 2000.

(DAR Note: The proposed amendment to R986-221 is under DAR No. 22690 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: This new section implements the criteria for determining extensions to the 36-month lifetime limit for Family Employment Program (TANF cash assistance) benefits. State statute allows for up to 20% of the average monthly number of families to be considered for an extension due to hardship. The Department of Workforce Services (DWS) has the responsibility under the statute to define "hardship." Hardship under the new section is defined to include medical reasons, caring for ill dependents, young parents until the month of their nineteenth birthday, and current and extraordinary circumstances. The second paragraph dealing with Indian Country is in federal law and is being added to the rule.

Workforce Services, Employment
Development
R986-221
Demonstration Programs

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22690

FILED: 02/24/2000, 15:05

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to amend a portion of this rule by striking Subsection R986-221-101(5)(r) as it has been modified and is being reenacted under a different rule number simultaneously.

SUMMARY OF THE RULE OR CHANGE: This amendment strikes the "20% rule" (Subsection R986-221-101(5)(r)) and by separate action reenacts it in a new section simultaneously (see R986-212-218).

(DAR Note: The proposed amendment to Section R986-212-218 is under DAR No. 22689 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-1-104 and 35A-3-306

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no cost to the state budget as a replacement section is being enacted simultaneously.

❖LOCAL GOVERNMENTS: There is no impact to local government as a replacement section is being enacted simultaneously.

❖OTHER PERSONS: The impact on other persons would be the same as for local governments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no change in compliance cost as a separate rulemaking action reenacts this subsection in a new section in another rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact on business as a new section is being implemented simultaneously.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Workforce Services
Employment Development
Second Floor
140 East 300 South
PO Box 45244
Salt Lake City, UT 84145-0244, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at (801) 526-9645, by FAX at (801) 526-9244, or by Internet E-mail at wsadmpo.spixton@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 04/14/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 04/03/2000, 6:00 p.m., Department of Workforce Services, 1385 South State Street, Room 157, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/20/2000

AUTHORIZED BY: Robert C. Gross, Executive Director

**R986. Workforce Services, Employment Development.
R986-221. Demonstration Programs.**

R986-221-101. Single Parent Employment Program.

1. The department shall operate a Single Parent Employment Demonstration Program as authorized by Section 1115 of the Compilation of the Social Security Laws, 1991 ed., U.S. Government Printing Office, Washington, D.C., which is incorporated by reference.

2. The following definitions apply:

a. "Diversion" means a one time Single Parent Employment Program payment that may equal up to three months of AFDC assistance.

b. "Participant" means any applicant for or recipient of the Single Parent Employment Program.

3. The goal of the Single Parent Employment Program is to increase family income through employment and child support.

4. The Single Parent Employment Program will operate in selected offices as determined by the department.

5. The following exceptions regarding Single Parent Employment Program participants apply to R986-211 through R986-220;

a. All parents must participate in self sufficiency activities, including parents whose income and assets are included in determining eligibility of the household, but have themselves been determined by the Department to be ineligible to be included in the financial assistance payment.

b. Children that are age 16 to 18 and are not in school or working must participate in self sufficiency.

c. Unemployed noncustodial parents may participate in JOBS training.

d. A \$100 payment reduction shall be enforced for a parent who chooses not to actively take part in self sufficiency efforts. After two months of receiving the \$100 payment reduction, if the parent continues to choose not to actively take part in self sufficiency efforts, the financial assistance for the household shall be closed.

e. When the participant takes part in self sufficiency the \$100 payment reduction will stop.

f. Vendor payments are eliminated for participants who choose not to take part in self sufficiency.

g. Participants who take part in full time self sufficiency efforts will receive an additional \$40 each month.

h. A \$100 payment reduction shall be enforced for a parent who chooses not to cooperate with child support collection, unless good cause is claimed. After two months of receiving the \$100 payment reduction, if the parent continues to choose not to cooperate with child support collection, the financial assistance for the household shall be closed.

i. The first \$100 and 50 percent of all remaining earned income will not be counted when computing assistance payment amounts. There is no time limit attached to this provision.

j. A maximum of \$8,000 equity value of one vehicle is exempt from the resource limit. The entire equity value of one vehicle equipped to transport a disabled individual is exempt from the resource limit.

k. The maximum resource limit is \$2,000.

l. Participants are required to report permanent changes in income of \$100 or more. A permanent change is defined as the starting or ending of income, and changes in employment status as in:

(i) a change from full-time to part-time or part-time to full-time;

(ii) a permanent change in the number of hours expected to be worked;

(iii) a promotion or a demotion;

(iv) an additional job or loss of a job;

(v) a change to a different job.

m. There is no limit on the amount of work related expenses the department may choose to pay.

n. Recertification must be completed at least every 24 months.

o. Self sufficiency supportive services remain available for 24 months after a household becomes ineligible for financial assistance.

p. As long as the noncustodial parent remains absent from the household, the children in the household are deprived of support whether or not the noncustodial parent is providing care, support, and guidance to the children.

q. All parents, including step-parents, related to and residing in the same household as their dependent child, and all other dependent children living in the same household related to a parent as a child, must be included in the determination of the household's eligibility and participation requirements.

[r. ~~The required time limit to assistance specified at section 35A-3-306 (2) is effective beginning January 1, 1997. Only months of assistance received beginning January 1, 1997 count toward this time limit. Months of assistance received in another state beginning January 1, 1997 also count toward this time limit. Months beginning January 1, 1997 where a parent resides in the household, the parent's income and assets count toward determining the household's eligibility, but the parent is not eligible to be included in the financial payment also count toward this time limit. Months of reduced or partial assistance received beginning January 1, 1997 also count toward the time limit. Exceptions to this time limit include:~~

~~(i) any exceptions listed in section 35A-3-306~~

~~(ii) assistance may be provided beyond 36 months for each month that an individual who has received 36 months as a parent is determined to be medically unable to work;~~

~~(iii) parents under age 19 through the month of their nineteenth birthday;~~

~~(iv) a parent is required in the home to meet the medical needs of a dependent;~~

~~(v) current and extraordinary circumstances and the implementation of the time limit would prevent the parent from completing the activities needed to reach a level of economic support that would close the case.]~~

6. The following additional Single Parent Employment Program requirements apply only at Department selected sites;

a. All preschool children in a family applying for or receiving assistance must receive all of the standard childhood immunizations, unless good cause is approved by the Department. A family that fails to comply with this requirement shall be subject to a reduction of \$25 for each month the lack of compliance continues. The \$25 shall be restored in the month of compliance.

b. All children who are subject to the Utah Compulsory Education Act, must attend school on a regular basis. Where an attendance problem is discovered by the Department, the parent or caretaker of the child will be notified and offered assistance in resolving the problem. If the problem continues for three months from the date of notification, and good cause for lack of satisfactory attendance is not established, the child's needs will not be considered in calculating the family's financial assistance. The child's needs will be restored effective the month regular attendance is resumed.

KEY: income, demonstration*

~~August 31, 1999~~2000

35A-3

Notice of Continuation February 6, 1998



End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Housing Finance Agency,
Administration
R460-1
Authority and Purpose

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 22682
FILED: 02/23/2000, 11:39
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 9-4-910 grants the agency the power to adopt, amend, and repeal rules. Section 9-4-911 states that the agency shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with a clear statement of the rulemaking authority granted to the agency by statute, and to provide a written statement of the purpose for the agency's rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Housing Finance Agency
Administration
554 South 300 East
Salt Lake City, UT 84111, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Grant S. Whitaker at the above address, by phone at (801) 521-6950, by FAX at (801) 323-2660, or Internet E-mail at gwhitaker@uhfa.state.ut.us.

AUTHORIZED BY: Grant S. Whitaker, Deputy Director

EFFECTIVE: 02/23/2000



Housing Finance Agency,
Administration
R460-4
Additional Servicing Rules

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 22683
FILED: 02/23/2000, 11:39
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 9-4-910 grants the agency the power to adopt, amend, and repeal rules. Section 9-4-911 states that the agency shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide a formal statement of the agency's servicing transfer restrictions to the mortgage loan servicers with whom the agency has contracted mortgage servicing.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Housing Finance Agency
Administration
554 South 300 East
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Grant S. Whitaker at the above address, by phone at (801) 521-6950, by FAX at (801) 323-2660, or Internet E-mail at gwhitaker@uhfa.state.ut.us.

AUTHORIZED BY: Grant S. Whitaker, Deputy Director

EFFECTIVE: 02/23/2000



Housing Finance Agency,
Administration
R460-6
Adjudicative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22684
FILED: 02/23/2000, 11:39
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 9-4-910 grants the agency the power to adopt, amend, and repeal rules. Section 9-4-911 states that the agency shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary

to continue this rule to provide a formal statement of the agency's adjudicative proceedings as required by state law.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Housing Finance Agency
Administration
554 South 300 East
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Grant S. Whitaker at the above address, by phone at (801) 521-6950, by FAX at (801) 323-2660, or Internet E-mail at gwhitaker@uhfa.state.ut.us.

AUTHORIZED BY: Grant S. Whitaker, Deputy Director

EFFECTIVE: 02/23/2000



Housing Finance Agency,
Administration
R460-7
Public Petitions for Declaratory Orders

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22685
FILED: 02/23/2000, 11:39
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 9-4-910 grants the agency the power to adopt, amend, and repeal rules. Section 9-4-911 states that the agency shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide a formal statement of the agency's procedures for obtaining declaratory orders as required by state law.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Housing Finance Agency
Administration
554 South 300 East
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Grant S. Whitaker at the above address, by phone at (801) 521-6950, by FAX at (801) 323-2660, or Internet E-mail at gwhitaker@uhfa.state.ut.us.

AUTHORIZED BY: Grant S. Whitaker, Deputy Director

EFFECTIVE: 02/23/2000

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Human Services
Recovery Services
Fourteenth Floor, Eaton/Kenway Building
515 East 100 South
PO Box 45011
Salt Lake City, UT 84145-0011, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or Internet E-mail at hsdadmin.hsorssl.c.wbraithw@email.state.ut.us.

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 03/01/2000



Human Services, Recovery Services
R527-10
Disclosure of Information to the Office
of Recovery Services

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE NO.: 22692
FILED: 03/01/2000, 12:04
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 62A-11-104.1(2) of the Utah Code requires the Office of Recovery Services (ORS) to establish a rule listing the kinds of health insurance and financial information which an employer, financial institution, or insurance organization must disclose to ORS upon its request. This rule meets the requirements of that law.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during or since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because it clearly states what insurance or financial information an employer, financial institution, or insurance organization is required to give to ORS when ORS makes a written request. In addition, the law requiring the rule is still in effect.

**End of the Five-Year Notices of Review
and Statements of Continuation Section**

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Environmental Quality

Water Quality

No. 22490 (NEW): R317-4. Onsite Wastewater Systems.

Published: December 1, 1999
Effective: February 16, 2000

No. 22491 (REP): R317-501. Individual Wastewater Disposal Systems.

Published: December 1, 1999
Effective: February 16, 2000

No. 22492 (REP): R317-502. Individual Disposal Wastewater Systems - General Requirements.

Published: December 1, 1999
Effective: February 16, 2000

No. 22493 (REP): R317-503. Soil and Ground Water Requirements.

Published: December 1, 1999
Effective: February 16, 2000

No. 22494 (REP): R317-504. Building Sewer.

Published: December 1, 1999
Effective: February 16, 2000

No. 22495 (REP): R317-505. Septic Tanks.

Published: December 1, 1999
Effective: February 16, 2000

No. 22496 (REP): R317-506. Discharge to Absorption System.

Published: December 1, 1999
Effective: February 16, 2000

No. 22497 (REP): R317-507. Absorption Systems.

Published: December 1, 1999
Effective: February 16, 2000

No. 22498 (REP): R317-508. Plan Information for Individual Wastewater Disposal Systems.

Published: December 1, 1999
Effective: February 16, 2000

No. 22499 (REP): R317-509. Design, Installation, and Maintenance of Sewage Holding Tanks.

Published: December 1, 1999
Effective: February 16, 2000

No. 22500 (REP): R317-510. Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments.

Published: December 1, 1999
Effective: February 16, 2000

No. 22501 (REP): R317-511. Percolation Test Requirements.

Published: December 1, 1999
Effective: February 16, 2000

No. 22502 (REP): R317-512. Approved Building Sewer Pipe and Distribution Pipe for Individual Wastewater Disposal Systems.

Published: December 1, 1999
Effective: February 16, 2000

No. 22503 (REP): R317-513. Recommendations for the Maintenance of Septic Tanks and Absorption Systems.

Published: December 1, 1999
Effective: February 16, 2000

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 22529 (AMD): R414-58. Children's Organ Transplants.

Published: January 1, 2000
Effective: February 17, 2000

Epidemiology and Laboratory Services, Laboratory Improvement

No. 22516 (AMD): R444-14. Rules for the Certification of Environmental Laboratories.

Published: December 15, 1999
Effective: March 1, 2000

Natural Resources

Forestry, Fire and State Lands

No. 22428 (AMD): R652-70-2400. Recreational Use of Navigable Rivers.

Published: November 1, 1999
Effective: February 29, 2000

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2000, including notices of effective date received through March 1, 2000, the effective dates of which are no later than March 15, 2000. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
AGRICULTURE AND FOOD					
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	22657	5YR	02/10/2000	2000-5/64
R70-630	Water Vending Machine	22596	5YR	01/11/2000	2000-3/91
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-1-205	Advisory Peer Committees - Direct to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	22587	AMD	02/15/2000	2000-2/8
R156-17a	Pharmacy Practice Act Rules	22318	AMD	see CPR	99-17/10
R156-17a	Pharmacy Practice Act Rules	22318	CPR	02/15/2000	2000-2/17
R156-31b-304	Quality Review Program	22576	AMD	02/15/2000	2000-2/10
R156-31b-304	Quality Review Program	22663	NSC	02/24/2000	Not Printed
R156-31c-201	Issuing a License	22577	AMD	02/15/2000	2000-2/11

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-56	Utah Uniform Building Standard Act Rules	22398	AMD	see CPR	99-20/15
R156-56	Utah Uniform Building Standard Act Rules	22398	CPR	02/15/2000	2000-2/21
R156-56-602	Factory Built Housing Dealer Bonds	22478	AMD	see CPR	99-22/7
R156-56-602	Factory Built Housing Dealer Bonds	22478	CPR	02/15/2000	2000-2/24
R156-56-706	Amendments to the IPC	22449	AMD	see CPR	99-21/7
R156-56-706	Amendments to the IPC	22449	CPR	01/18/2000	99-24/47
R156-57	Respiratory Care Practices Act Rules	22482	AMD	01/04/2000	99-23/13
R156-61	Psychologist Licensing Act Rules	22588	AMD	02/15/2000	2000-2/12
R156-66	Utah Professional Boxing Regulation Act Rules	22589	AMD	02/15/2000	2000-2/14
R156-71	Naturopathic Physician Practice Act Rules	22507	AMD	01/04/2000	99-23/14
<u>Real Estate</u>					
R162-6	Licensee Conduct	22514	AMD	01/27/2000	99-24/10
EDUCATION					
<u>Administration</u>					
R277-404	Year-Round School and Effective Facility Use Program	22563	REP	02/01/2000	2000-1/8
R277-430	Capital Outlay Equalization Qualification	22564	REP	02/01/2000	2000-1/10
R277-472	Reading Performance Improvement Awards Program	22593	NSC	01/25/2000	Not Printed
R277-507	Driver Education Endorsement	22528	AMD	02/01/2000	2000-1/11
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-110	General Requirements: State Implementation Plan	22623	NSC	02/25/2000	Not Printed
R307-110-19	Section XI, Other Control Measure for Mobile Sources	22553	AMD	02/10/2000	2000-1/14
R307-110-19	Section XI, Other Control Measures for Mobile Sources	22660	NSC	02/25/2000	Not Printed
R307-403-8	Offsets: Banking of Emission Offset Credit	22607	NSC	01/25/2000	Not Printed
<u>Solid and Hazardous Waste</u>					
R315-1-1	Utah Hazardous Waste Definitions and References	22537	NSC	01/25/2000	Not Printed
R315-2	General Requirements - Identification and Listing of Hazardous Waste	22538	NSC	01/25/2000	Not Printed
R315-2-9	Characteristics of Hazardous Waste	22653	NSC	02/25/2000	Not Printed
R315-3	Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	22539	NSC	01/25/2000	Not Printed
R315-3-20	Hazardous Waste Incinerator Plan Approvals	22654	NSC	02/25/2000	Not Printed
R315-5	Hazardous Waste Generator Requirements	22541	NSC	01/25/2000	Not Printed
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	22541	NSC	01/25/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	22543	NSC	01/25/2000	Not Printed
R315-13	Land Disposal Restrictions	22544	NSC	01/25/2000	Not Printed
R315-16	Standards for Universal Waste Management	22545	NSC	01/25/2000	Not Printed
R315-50	Appendices	22546	NSC	01/25/2000	Not Printed
R315-101	Cleanup Action and Risk-Based Closure Standards	22547	NSC	01/25/2000	Not Printed
<u>Water Quality</u>					
R317-4	Onsite Wastewater Systems	22490	NEW	02/16/2000	99-23/16
R317-501	Individual Wastewater Disposal Systems	22491	REP	02/16/2000	99-23/45
R317-502	Individual Disposal Wastewater Systems - General Requirements	22492	REP	02/16/2000	99-23/48
R317-503	Soil and Ground Water Requirements	22493	REP	02/16/2000	99-23/56
R317-504	Building Sewer	22494	REP	02/16/2000	99-23/58
R317-505	Septic Tanks	22495	REP	02/16/2000	99-23/59
R317-506	Discharge to Absorption System	22496	REP	02/16/2000	99-23/63
R317-507	Absorption Systems	22497	REP	02/16/2000	99-23/65
R317-508	Plan Information for Individual Wastewater Disposal Systems	22498	REP	02/16/2000	99-23/73
R317-509	Design, Installation, and Maintenance of Sewage Holding Tanks	22499	REP	02/16/2000	99-23/75
R317-510	Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments	22500	REP	02/16/2000	99-23/77
R317-511	Percolation Test Requirements	22501	REP	02/16/2000	99-23/80
R317-512	Approved Building Sewer Pipe and Distribution Pipe for Individual Wastewater Disposal Systems	22502	REP	02/16/2000	99-23/82
R317-513	Recommendations for the Maintenance of Septic Tanks and Absorption Systems	22503	REP	02/16/2000	99-23/84
HEALTH					
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1	Utah Medicaid Program	22512	AMD	01/26/2000	99-24/13
R414-58	Children's Organ Transplants	22529	AMD	02/17/2000	2000-1/29
R414-303	Coverage Groups	22378	AMD	see CPR	99-19/25
R414-303	Coverage Groups	22378	CPR	01/26/2000	99-24/52
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-7	Specialty Hospital - Psychiatric Hospital Construction	22630	5YR	02/01/2000	2000-4/70
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	22631	5YR	02/01/2000	2000-4/70
R432-9	Specialty Hospital - Rehabilitation Construction Rule	22632	5YR	02/01/2000	2000-4/71

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R432-10	Specialty Hospital - Chronic Disease Construction Rule	22633	5YR	02/01/2000	2000-4/72
R432-11	Orthopedic Hospital Construction	22634	5YR	02/01/2000	2000-4/72
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	22635	5YR	02/01/2000	2000-4/73
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	22636	5YR	02/01/2000	2000-4/73
R432-14	Birthing Center Construction Rule	22637	5YR	02/01/2000	2000-4/74
R432-30	Adjudicative Procedure	22638	5YR	02/01/2000	2000-4/74
R432-270	Assisted Living Facilities	22655	5YR	02/09/2000	2000-5/64
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
R444-14	Rules for the Certification of Environmental Laboratories	22516	AMD	03/01/2000	99-24/16
HOUSING FINANCE AGENCY					
<u>Administration</u>					
R460-1	Authority and Purpose	22682	5YR	02/23/2000	2000-6/46
R460-4	Additional Servicing Rules	22683	5YR	02/23/2000	2000-6/46
R460-6	Adjudicative Proceedings	22684	5YR	02/23/2000	2000-6/47
R460-7	Public Petitions for Declaratory Orders	22685	5YR	02/23/2000	2000-6/47
HUMAN SERVICES					
<u>Aging and Adult Services</u>					
R510-302	Adult Protective Services	22619	5YR	01/24/2000	2000-4/75
<u>Recovery Services</u>					
R527-5	Release of Information	22555	AMD	02/01/2000	2000-1/33
R527-10	Disclosure of Information to the Office of Recovery Services	22692	5YR	03/01/2000	2000-6/48
R527-24	Good Cause	22487	REP	01/10/2000	99-23/86
R527-40	Retained Support	22656	5YR	02/10/2000	2000-5/65
R527-200	Administrative Procedures	22556	AMD	02/01/2000	2000-1/37
R527-475	State Tax Refund Intercept	22488	AMD	01/10/2000	99-23/87
INSURANCE					
<u>Administration</u>					
R590-88	Prohibited Transactions Between Agents and Unauthorized Multiple Employer Trusts	22665	5YR	02/15/2000	2000-5/66
R590-128	Unfair Discrimination Based on the Failure to Maintain Automobile Insurance. (Revised.)	22666	5YR	02/15/2000	2000-5/66
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	22667	5YR	02/15/2000	2000-5/67
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22417	NEW	see CPR	99-20/28
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22417	CPR	02/01/2000	99-24/53

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R590-197	Treatment of Guaranty Association Assessments as Qualified Assets	22416	NEW	01/25/2000	99-20/30
R590-197	Treatment of Guaranty Association Assessments as Qualified Assets	22621	NSC	02/25/2000	Not Printed
R590-198	Valuation of Life Insurance Policies Rule	22506	NEW	01/04/2000	99-23/90
R590-198	Valuation of Life Insurance Policies Rule	22595	NSC	01/25/2000	Not Printed
LABOR COMMISSION					
<u>Antidiscrimination and Labor, Fair Housing</u>					
R608-1-3	Reliance on Federal Law	22591	NSC	01/25/2000	Not Printed
<u>Industrial Accidents</u>					
R612-8	Designation of the Initial Assessment of Noncompliance Penalties as an "Informal" Proceeding	22592	5YR	01/03/2000	2000-3/91
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	22524	NSC	01/25/2000	Not Printed
LIEUTENANT GOVERNOR					
<u>Elections</u>					
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	22590	NSC	01/25/2000	Not Printed
NATURAL RESOURCES					
<u>Oil, Gas and Mining: Coal</u>					
R645-301-500	Engineering	22214	AMD	see CPR	99-16/32
R645-301-500	Engineering	22214	CPR	02/01/2000	2000-1/64
<u>Parks and Recreation</u>					
R651-611	Fee Schedule	22474	AMD	01/03/2000	99-22/17
<u>Natural Resources</u>					
R652-70-2400	Recreational Use of Navigable Rivers	22428	AMD	02/29/2000	99-21/47
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	22519	AMD	see CPR	99-24/25
R657-5	Taking Big Game	22519	CPR	02/01/2000	2000-1/66
R657-6	Taking Upland Game	22520	AMD	01/18/2000	99-24/35
R657-13	Taking Fish and Crayfish	22392	AMD	01/03/2000	99-20/31
R657-38	Dedicated Hunter Program	22521	AMD	01/18/2000	99-24/38
R657-47	Trust Fund Permits	22562	NEW	02/01/2000	2000-1/40

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
PROFESSIONAL PRACTICES ADVISORY COMMISSION					
<u>Administration</u>					
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	22504	AMD	01/05/2000	99-23/96
R686-103	Professional Practices and Conduct for Utah Educators	22505	AMD	01/05/2000	99-23/105
PUBLIC SAFETY					
<u>Driver License</u>					
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	22536	AMD	02/01/2000	2000-1/43
<u>Fire Marshal</u>					
R710-1	Concerns Servicing Portable Fire Extinguishers	22557	AMD	02/01/2000	2000-1/44
R710-2	Rules Pursuant to the Utah Fireworks Act	22558	AMD	02/01/2000	2000-1/50
R710-6	Liquefied Petroleum Gas Rules	22559	AMD	02/01/2000	2000-1/52
R710-7	Concerns Servicing Automatic Fire Suppression Systems	22560	AMD	02/01/2000	2000-1/54
R710-8	Day Care Rules	22561	AMD	02/01/2000	2000-1/57
PUBLIC SERVICE COMMISSION					
<u>Administration</u>					
R746-360-2	Definitions	22530	NSC	01/25/2000	Not Printed
R746-401	Rules Governing Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets by Certain Utilities	22550	NSC	01/25/2000	Not Printed
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-604	New Century Scholarship	22052	NEW	see CPR	99-11/63
R765-604	New Century Scholarship	22052	CPR	02/04/2000	99-20/53
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-10	Expedited Rulemaking	22594	5YR	01/04/2000	2000-3/92
R850-130-400	Application Procedures	22664	NSC	02/25/2000	Not Printed
TAX COMMISSION					
<u>Property Tax</u>					
R884-24P-44	Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-1101	22508	AMD	01/20/2000	99-23/107
R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	22522	AMD	01/20/2000	99-24/40

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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TRANSPORTATION

Motor Carrier, Ports of Entry

R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	22531	AMD	02/15/2000	2000-1/59
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WORKFORCE SERVICES

Workforce Information and Payment Services

R994-202-103	Employee Leasing Companies	22548	AMD	02/02/2000	2000-1/60
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RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
 CPR = Change in proposed rule
 EMR = Emergency rule (120 day)
 NEW = New rule
 5YR = Five-Year Review
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 REP = Repeal
 R&R = Repeal and reenact
 * = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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ACADEMIC PERFORMANCE

Education, Administration	22593	R277-472	NSC	01/25/2000	Not Printed
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ADJUDICATIVE PROCEEDINGS

Public Safety, Driver License	22536	R708-14	AMD	02/01/2000	2000-1/43
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ADMINISTRATIVE LAW

Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
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ADMINISTRATIVE PROCEDURES

Natural Resources; Forestry, Fire and State Lands	22428	R652-70-2400	AMD	02/29/2000	99-21/47
School and Institutional Trust Lands, Administration	22594	R850-10	5YR	01/04/2000	2000-3/92
	22664	R850-130-400	NSC	02/25/2000	Not Printed

ADULT PROTECTIVE SERVICES

Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
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AFDC (Aid to Families with Dependent Children)

Human Services, Recovery Services	22487	R527-24	REP	01/10/2000	99-23/86
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AIR POLLUTION

Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
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<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
<u>AIR QUALITY</u>					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
<u>ALTERNATIVE ONSITE WASTEWATER SYSTEMS</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
<u>ALTERNATIVE SYSTEMS</u>					
Environmental Quality, Water Quality	22491	R317-501	REP	02/16/2000	99-23/45
<u>APPRAISAL</u>					
Tax Commission, Property Tax	22508	R884-24P-44	AMD	01/20/2000	99-23/107
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PERMANENT ADMINISTRATIVE RULES REGISTER

Because of the small number of filings and to meet the minimum number of pages for publication, the Division of Administrative Rules (Division) is including the *1999 Rules Register* from the October 1, 1999, *Bulletin* through the December 15, 1999, *Bulletin*; and the *2000 Rules Register* from the January 1, 2000, *Bulletin* through the March 15, 2000, *Bulletin* in this issue of the *Bulletin*.

The *Rules Register* is the official record of receipt of all administrative rules and rule changes filed with the Division and is always available for inspection at the Division.

The 1999 Rules Register Begins on the Following Page.

Filings received for the October 1, 1999, Bulletin

DAR #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22357	09/03/99 10: 04	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-All Incinerators	4	R307-222-3	Not Printed	10/01/99
22358	09/03/99 11: 29	Chalmers Gail Norris	Regents (Board of) Administration	Proposed Rule (Amendment) -Utah Higher Education Assistance Authority Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Programs	2	R765-610	10/01/99	11/03/99
22359	09/03/99 11: 29	Chalmers Gail Norris	Regents (Board of) Administration	Proposed Rule (Repeal) -Lender Record Retention	2	R765-648	10/01/99	11/03/99
22360	09/03/99 14: 47	Rod L. Betit	Health, Health Systems Improvement, Child Care Licensing	Proposed Rule (Amendment) -Child Care Center	7	R430-100	10/01/99	12/01/99
22361	09/03/99 14: 47	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Repeal) -Assisted Living Facilities, General Construction	7	R432-15	10/01/99	12/01/99
22362	09/03/99 14: 47	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Food Service	3	R432-150-24	10/01/99	12/01/99
22363	09/08/99 17: 46	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Section II, Hospital, Medical, Infectious Waste Incinerators	4	R307-220-3	Not Printed	09/22/99
22364	09/08/99 17: 47	Rick Sprott	Environmental Quality, Air Quality	Five-Year Review-Emission Standards: Acid Rain Requirements	1	R307-215	10/01/99	09/08/99
22365	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -General Construction	8	R432-4	10/01/99	12/01/99
22366	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Nursing Facility Construction	5	R432-5	10/01/99	12/01/99
22367	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Specialty Hospital - Psychiatric Hospital Construction	2	R432-7	10/01/99	12/01/99
22368	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Specialty Hospital - Chemical Dependency/Substance Abuse Construction	4	R432-8	10/01/99	12/01/99
22369	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Specialty Hospital - Rehabilitation Construction Rule	3	R432-9	10/01/99	12/01/99
22370	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Specialty Hospital - Chronic Disease Construction Rule	5	R432-10	10/01/99	12/01/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22371	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Orthopedic Hospital Construction	3	R432-11	10/01/99	12/01/99
22372	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Small Health Care Facility (Four to Sixteen Beds) Construction Rule	6	R432-12	10/01/99	12/01/99
22373	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Freestanding Ambulatory Surgical Center Construction Center	3	R432-13	10/01/99	12/01/99
22374	09/09/99 12: 10	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment) -Birthing Center Construction Rule	3	R432-14	10/01/99	12/01/99
22375	09/10/99 07: 31	Cary G. Peterson	Agriculture and Food, Regulatory Services	Proposed Rule (Amendment) -Authority and Purpose	1	R70-530-1	10/01/99	11/02/99
22376	09/13/99 10: 35	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment) -Marriage and Family Therapist Licensing Act Rules	4	R156-60b	10/01/99	11/08/99
22377	09/13/99 16: 56	Jilene Whitty	Insurance, Administration	Proposed Rule (Repeal) -Valuation of Life Insurance Policies Rule	6	R590-179	10/01/99	11/17/99
22378	09/15/99 09: 07	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment) -Coverage Groups	5	R414-303	10/01/99	see CPR Dec. 15 '99 Bulletin
22379	09/15/99 09: 07	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment) -Income and Budgeting	10	R414-304	10/01/99	11/16/99
22380	09/15/99 09: 07	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment) -Utah Medical Assistance Program (UMAP)	4	R414-309	10/01/99	Lapsed
22381	09/15/99 09: 07	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Preadmission and Continued Stay Review	1	R414-501	10/01/99	09/15/99
22382	09/15/99 09: 07	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Nursing Facility Levels of Care	1	R414-502	10/01/99	09/15/99
22383	09/15/99 09: 07	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Preadmission Screening and Annual Resident Review	1	R414-503	10/01/99	09/15/99
22384	09/15/99 15: 27	Kevin W. Brown	Environmental Quality, Drinking Water	Nonsubstantive Change-Capacity Development Program	4	R309-352	Not Printed	09/22/99
22385	09/15/99 16: 01	Carol B. Lear	Education, Administration	Proposed Rule (Amendment) -Distribution of Funds to Arts and Sciences Organizations	3	R277-444	10/01/99	11/02/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22386	09/15/99 16:01	Carol B. Lear	Education, Administration	Proposed Rule (New)-Oversight of School Inspections	2	R277-471	10/01/99	11/02/99
22387	09/15/99 16:01	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Concurrent Enrollment of High School Students in College Courses	3	R277-713	10/01/99	11/02/99
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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22388	09/16/99 10:15	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Renewal Dates	4	R156-1-308a	Not Printed	10/08/99
22389	09/16/99 11:28	David A. Beach	Public Safety, Driver License	Five-Year Review-Temporary Learner Permit Rules	1	R708-26	10/15/99	09/16/99
22390	09/16/99 11:28	David A. Beach	Public Safety, Driver License	Proposed Rule (Repeal and Reenact)-Temporary Learner Permit Rules	3	R708-26	10/15/99	11/16/99
22391	09/20/99 13:26	Pam Hendrickson	Tax Commission, Property Tax	Nonsubstantive Change-Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	4	R884-24P-19	Not Printed	10/19/99
22052	09/22/99 11:22	Harnden R. Eyring	Regents (Board of), Administration	Change in Proposed Rule-New Century Scholarship	2	R765-604	10/15/99	02/04/2000
22392	09/22/99 15:43	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Taking Fish and Crayfish	3	R657-13	10/15/99	01/03/2000
22393	09/22/99 15:43	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Falconry	5	R657-20	10/15/99	11/16/99
22394	09/27/99 11:23	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Continuing Education	1	R156-55b-304	10/15/99	11/16/99
22187	09/27/99 11:23	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Chiropractic Physician Practice Act Rules	2	R156-73	10/15/99	11/16/99
22395	09/27/99 16:10	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Advisory Peer Committees - Director to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	2	R156-1-205	10/15/99	11/16/99
22188	09/27/99 16:44	Jilene Whitney	Insurance, Administration	Change in Proposed Rule-Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	2	R590-194	10/15/99	12/01/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22396	09/28/99 09:37	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment) -Nurse Practice Act Rules	4	R156-31b	10/15/99	11/16/99
22397	09/28/99 09:37	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (New) -Nurse Licensure Compact Rules	2	R156-31c	10/15/99	01/01/2000
22398	09/28/99 09:37	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment) -Utah Uniform Building Standard Act Rules	7	R156-56	10/15/99	see CPR Jan. 15, '00 Bulletin
22399	09/28/99 09:37	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Five-Year Review-Occupational Therapy Practice Act Rules	1	R156-42a	10/15/99	09/28/99
22400	09/30/99 07:58	Tamy L. Scott	Transportation, Motor Carrier	Proposed Rule (Amendment) -Safety Regulations for Motor Carriers	2	R909-1	10/15/99	12/15/99
22401	09/30/99 11:56	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment) -License Classifications - Scope of Practice	13	R156-55a-301	10/15/99	11/16/99
22402	09/30/99 13:48	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (New) -Amateur Boxing Fund Grants Rules	2	R156-66a	10/15/99	11/16/99
22403	09/30/99 16:32	Carol B. Lear	Education, Administration	Proposed Rule (New) -Reading Performance Improvement Awards Program	3	R277-472	10/15/99	11/16/99
22404	09/30/99 16:32	Carol B. Lear	Education, Administration	Proposed Rule (New) -Truancy Prevention	3	R277-607	10/15/99	11/16/99
22405	09/30/99 16:32	Carol B. Lear	Education, Administration	Proposed Rule (Amendment) -Child Care and Adult Care Food Program Sponsors of Day Care Homes	3	R277-723	10/15/99	11/16/99
22406	09/30/99 16:32	Carol B. Lear	Education, Administration	Five-Year Review-Alternative Experimental Pilot Programs	1	R277-441	10/15/99	09/30/99
22407	09/30/99 16:32	Carol B. Lear	Education, Administration	Five-Year Review-Funding Regional Service Centers	1	R277-456	10/15/99	09/30/99
22408	09/30/99 16:32	Carol B. Lear	Education, Administration	Five-Year Review-Comprehensive Guidance Program	1	R277-462	10/15/99	09/30/99
22409	09/30/99 16:32	Carol B. Lear	Education, Administration	Five-Year Review-Class Size Reporting	1	R277-463	10/15/99	09/30/99
22410	09/30/99 16:32	Carol B. Lear	Education, Administration	Five-Year Review-Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, and Special Education (Birth-Age 5) Certification	1	R277-504	10/15/99	09/30/99
22411	09/30/99 16:32	Carol B. Lear	Education, Administration	Five-Year Review-Dissemination of Information About Juvenile Offenders	1	R277-714	10/15/99	09/30/99
22412	09/30/99 16:32	Carol B. Lear	Education, Administration	Five-Year Review-Flow Through Funds for Students at Risk	1	R277-760	10/15/99	09/30/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22413	09/30/99 17: 36	Neal F. Christensen	Transportation, Administration	Proposed Rule (New)-Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	6	R907-65	10/15/99	11/16/99
22414	09/30/99 18: 16	David A. Beach	Public Safety, Driver License	Five-Year Review-Classified License System	1	R708-10	10/15/99	09/30/99
22415	09/30/99 18: 53	David A. Beach	Public Safety, Driver License	Five-Year Review-Ignition Interlock Systems	1	R708-31	10/15/99	09/30/99
22416	10/01/99 10: 41	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Treatment of Guaranty Association Assessments as Qualified Assets	2	R590-197	10/15/99	01/25/2000
22417	10/01/99 13: 03	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	3	R590-196	10/15/99	see CPR Dec. 15, '99 Bulletin
22418	10/01/99 13: 49	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Universal Public Telecommunications Service Support Fund	5	R746-360	10/15/99	12/07/99

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22419	10/04/99 12: 46	David A. Beach	Public Safety, Driver License	Five-Year Review-Commercial Driver License Administrative Proceedings	1	R708-22	11/01/99	10/04/99
22420	10/05/99 10: 13	David A. Beach	Public Safety, Driver License	Five-Year Review-Renewal of a Commercial Driver License (CDL)	1	R708-24	11/01/99	10/05/99
22421	10/05/99 10: 43	Emma Chacon	Human Services, Recovery Services	Proposed Rule (New)-Income Withholding Fees	2	R527-302	11/01/99	12/03/99
22422	10/05/99 11: 56	Dan R. Davis	Crime Victim Reparations, Administration	Five-Year Review-ADA Complaint Procedure	1	R270-3	11/01/99	10/05/99
22423	10/05/99 11: 57	Dan R. Davis	Crime Victim Reparations, Administration	Five-Year Review-Government Records Access and Management Act	1	R270-4	11/01/99	10/05/99
22424	10/08/99 07: 00	Kenneth A. Hansen	Health, Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health (Changed to Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health)	Nonsubstantive Change-AIDS Testing and Reporting for Emergency Medical Services Provider's Rule	5	R388-801	Not Printed	10/08/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22425	10/08/99 07:00	Kenneth A. Hansen	Health, Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health (Changed to Health, Epidemiology and Laboratory Services: HIV/AIDS, Tuberculosis Control/Refugee Health)	Nonsubstantive Change-HIV Positive Student or School Employee Rule	5	R388-802	Not Printed	10/08/99
22426	10/08/99 07:00	Kenneth A. Hansen	Health, Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health (Changed to Health, Epidemiology and Laboratory Services: HIV/AIDS, Tuberculosis Control/Refugee Health)	Nonsubstantive Change-HIV Test Reporting	4	R388-803	Not Printed	10/08/99
22427	10/08/99 07:00	Kenneth A. Hansen	Health, Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health (Changed to Health, Epidemiology and Laboratory Services: HIV/AIDS, Tuberculosis Control/Refugee Health)	Nonsubstantive Change-Special Measures for the Control of Tuberculosis	5	R388-804	Not Printed	10/08/99
22428	10/12/99 10:54	Karl Kappe	Natural Resources: Forestry, Fire and State Lands	Proposed Rule (Amendment) -Recreational Use of Navigable Rivers	2	R652-70-2400	11/01/99	02/29/2000
22429	10/12/99 11:06	Rod L. Betit	Health, Health Systems Improvement, Emergency Medical Services	Nonsubstantive Change-Air Medical Service Rules	4	R426-2	Not Printed	Withdrawn by Agency 10/25/99
22430	10/12/99 11:06	Rod L. Betit	Health, Health Systems Improvement, Emergency Medical Services	Nonsubstantive Change-Hospital Trauma Categorization Standards	4	R426-5	Not Printed	Withdrawn by Agency 10/25/99
22431	10/12/99 11:06	Rod L. Betit	Health, Health Systems Improvement, Emergency Medical Services	Nonsubstantive Change-Emergency Medical Services Grants Program Rules	5	R426-6	Not Printed	10/26/99
22432	10/12/99 17:12	Rod L. Betit	Health, Community and Family Health Services, Children with Special Health Care Needs	Five-Year Review-Newborn Screening	1	R398-1	11/01/99	10/12/99
22433	10/12/99 17:12	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Definitions as Used in These Rules	2	R651-601	11/01/99	12/02/99
22434	10/12/99 17:12	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Animals	2	R651-603	11/01/99	12/02/99
22435	10/12/99 17:12	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Expulsion	1	R651-610	11/01/99	12/02/99

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22436	10/12/99 17: 12	David K. Morrow	Natural Resources, Parks and Recreation	Nonsubstantive Change-Traffic Rules and Regulations	3	R651-615-1	Not Printed	10/26/99
22437	10/12/99 17: 12	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment) -Permit Violation	2	R651-617	11/01/99	12/02/99
22438	10/12/99 17: 12	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment) -Swimming	2	R651-627	11/01/99	12/02/99
22439	10/12/99 17: 12	David K. Morrow	Natural Resources, Parks and Recreation	Nonsubstantive Change-General Closures or Restrictions	3	R651-633-2	Not Printed	10/22/99
22440	10/13/99 08: 34	Jilene Whittby	Insurance, Administration	Five-Year Review-Health Maintenance Organizations	1	R590-76	11/01/99	10/13/99
22441	10/13/99 08: 34	Jilene Whittby	Insurance, Administration	Five-Year Review-Life Insurance Disclosure Rule	1	R590-79	11/01/99	10/13/99
22442	10/13/99 08: 34	Jilene Whittby	Insurance, Administration	Five-Year Review-Unfair Discrimination on the Basis of Sex or Marital Status	1	R590-83	11/01/99	10/13/99
22443	10/13/99 08: 34	Jilene Whittby	Insurance, Administration	Five-Year Review-Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment	1	R590-129	11/01/99	10/13/99
22444	10/13/99 13: 56	Pam Hendrickson	Tax Commission, Property Tax	Nonsubstantive Change-Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	4	R884-24P-19	Not Printed	10/26/99
22445	10/14/99 11: 49	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment) -2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	8	R884-24P-33	11/01/99	Lapsed
22446	10/14/99 11: 49	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment) -1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	5	R884-24P-53	11/01/99	12/14/99
22447	10/14/99 11: 49	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment) -Canned Computer Software Pursuant to Utah Code Ann. Section 59-2-301	2	R884-24P-65	11/01/99	Lapsed
22448	10/14/99 13: 32	Jilene Whittby	Insurance, Administration	Five-Year Review-Rate Filing Exemptions	1	R590-127	11/01/99	10/14/99
22308	10/14/99 15: 16	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Change in Proposed Rule-Permit Requirements for Solid Waste Facilities	2	R315-310	11/01/99	12/06/99
22449	10/14/99 17: 21	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment) -Amendments to the IPC	7	R156-56-706	11/01/99	see CPR Dec. 15 '99 Bulletin
22450	10/15/99 08: 28	R. Lee Ellertson	Labor Commission, Safety	Proposed Rule (Amendment) -Safety Codes and Rules for Boilers and Pressure Vessels	2	R616-2-3	11/01/99	12/02/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22451	10/15/99 08:52	R. Lee Ellertson	Labor Commission, Antidiscrimination and Labor, Fair Housing	Proposed Rule (Repeal and Reenact) -Utah Fair Housing Rules	9	R608-1	11/01/99	12/02/99
22452	10/15/99 09:00	R. Lee Ellertson	Labor Commission, Industrial Accidents	Proposed Rule (Amendment) -Official Forms	3	R612-1-3	11/01/99	12/02/99
22453	10/15/99 09:00	R. Lee Ellertson	Labor Commission, Industrial Accidents	Proposed Rule (Amendment) - Acceptance/Denial of a Claim	3	R612-1-7	11/01/99	12/02/99
22454	10/15/99 09:05	R. Lee Ellertson	Labor Commission, Industrial Accidents	Proposed Rule (Amendment) -Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	2	R612-4-2	11/01/99	12/02/99
22455	10/15/99 09:18	R. Lee Ellertson	Labor Commission, Antidiscrimination and Labor, Labor	Proposed Rule (Amendment) -Filing Procedure and Commencement of Agency Action	2	R610-3-4	11/01/99	12/02/99
22456	10/15/99 09:26	R. Lee Ellertson	Labor Commission, Industrial Accidents	Five-Year Review-Procedural Guidelines for the Reemployment Act	1	R612-7	11/01/99	10/15/99
22457	10/15/99 11:38	Dan R. Davis	Crime Victim Reparations, Administration	Proposed Rule (Amendment) -Award and Reparations Standards	3	R270-1	11/01/99	12/02/99
22458	10/15/99 13:14	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment) -Administrative Procedures and Hearings	3	R307-102-3	11/01/99	Lapsed
22459	10/15/99 13:14	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (New) -Administrative Procedures	4	R307-103	11/01/99	Lapsed
22460	10/15/99 13:14	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment) -Appeal and Revocation	2	R307-120-8	11/01/99	Lapsed
22461	10/15/99 13:14	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment) -Request for Review	2	R307-414-3	11/01/99	Lapsed
22462	10/15/99 13:14	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment) -Permits: Operating Permit Requirements	3	R307-415	11/01/99	Lapsed
22463	10/15/99 14:40	Jilene Whitby	Insurance, Administration	Five-Year Review-Proxy Solicitation and Consent and Authorization of Stockholders of Domestic Stock Insurers	1	R590-67	11/01/99	10/15/99
22464	10/15/99 16:16	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment) -Rate Filing Exemptions	4	R590-127	11/01/99	12/14/99
22465	10/15/99 16:16	Robert C. Gross	Workforce Services, Employment Development	Proposed Rule (Amendment) -Financial Assistance General Assistance/Self-Sufficiency Program	4	R986-218	11/01/99	12/08/99

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22466	10/18/99 15: 19	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Facility Standards for Piles Used for Storage and Treatment	4	R315-314	Not Printed	11/04/99
22467	10/18/99 15: 19	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Waste Tire Transporter and Recycler Requirements	8	R315-320	Not Printed	11/04/99
22468	10/19/99 10: 02	Rod L. Bettit	Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	Nonsubstantive Change-Special Measures for the Control of Tuberculosis	5	R388-804	Not Printed	11/24/99
22469	10/22/99 09: 15	Brent R. Halladay	Public Safety, Fire Marshal	120-Day (Emergency) Rule-Liquefied Petroleum Gas Rules	5	R710-6	11/15/99	10/22/99 for 120 days
22470	10/22/99 09: 26	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Repeal)-Criteria for Modification of a Support Order to Include Medical Support	2	R527-232	11/15/99	12/16/99
22471	10/22/99 13: 38	Ken Patterson	Human Services, Child and Family Services	Proposed Rule (Amendment)-Description of Division Services, Eligibility, and Service Access	2	R512-1	11/15/99	Lapsed
22472	10/22/99 16: 32	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Posting Priority of Payments Received	2	R527-330	11/15/99	12/16/99
22473	10/28/99 09: 29	Pam Hendrickson	Tax Commission, Property Tax	Nonsubstantive Change-Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	5	R884-24P-19	Not Printed	11/09/99
22474	10/28/99 16: 31	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Fee Schedule	6	R651-611	11/15/99	01/03/2000
22475	10/29/99 13: 59	Robert Gross	Workforce Services, Workforce Information and Payment Services	Nonsubstantive Change-Ineligibility for Benefits	23	R994-405	Not Printed	11/04/99
22476	10/29/99 15: 36	Reta D. Oram	Human Services, Administration, Administrative Services, Licensing	Proposed Rule (Amendment)-Foster Care Rules	3	R501-12	11/15/99	Lapsed
22477	11/01/99 09: 16	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Renewal Dates	2	R156-1-308a	11/15/99	12/16/99
22478	11/01/99	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Factory Built Housing Dealer Bonds	2	R156-56-602	11/15/99	see CFR Jan. 15, '00 Bulletin
22479	11/01/99 10: 18	Cary G. Peterson	Agriculture and Food, Animal Industry	Nonsubstantive Change-Definitions	4	R58-17-2	Not Printed	11/04/99
22480	11/01/99 13: 40	Dan R. Davis	Crime Victim Reparations, Administration	Proposed Rule (Amendment)-Award and Reparations Standards	2	R270-1	11/15/99	12/16/99

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22481	11/01/99 16:04	Amy Maccarato	Lieutenant Governor, Elections	Proposed Rule (New)-Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	3	R623-1	11/15/99	01/01/2000
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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22482	11/08/99 08:53	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Respiratory Care Practices Act Rules	2	R156-57	12/01/99	01/04/2000
22483	11/15/99 07:44	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	120-Day (Emergency) Rule-Coverage Groups	2	R414-303	12/01/99	11/15/99
22484	11/15/99 09:13	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Five-Year Review-Mental Health Professional Practice Act Rules	1	R156-60	12/01/99	11/15/99
22485	11/15/99 09:13	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Five-Year Review-Social Worker Licensing Act Rules	1	R156-60a	12/01/99	11/15/99
22486	11/15/99 09:13	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Five-Year Review-Marriage and Family Therapist Licensing Act Rules	1	R156-60b	12/01/99	11/15/99
22487	11/15/99 10:16	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Repeal)-Good Cause	2	R527-24	12/01/99	01/10/2000
22488	11/15/99 10:46	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-State Tax Refund Intercept	2	R527-475	12/01/99	01/10/2000
22489	11/15/99 11:28	Jilene Whitty	Insurance, Administration	Proposed Rule (Amendment)-Fiduciary and Trust Account Obligations	3	R590-170	12/01/99	see CPR Jan. 15, '00 Bulletin
22490	11/15/99 12:07	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (New)-Onsite Wastewater Systems	30	R317-4	12/01/99	02/16/2000
22491	11/15/99 12:07	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal)-Individual Wastewater Disposal Systems	4	R317-501	12/01/99	02/16/2000
22492	11/15/99 12:07	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal)-Individual Disposal Wastewater Systems - General Requirements	8	R317-502	12/01/99	02/16/2000
22493	11/15/99 12:07	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal)-Soil and Ground Water Requirements	3	R317-503	12/01/99	02/16/2000
22494	11/15/99 12:07	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal)-Building Sewer	2	R317-504	12/01/99	02/16/2000
22495	11/15/99 12:07	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal)-Septic Tanks	5	R317-505	12/01/99	02/16/2000
22496	11/15/99 12:07	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal)-Discharge to Absorption System	3	R317-506	12/01/99	02/16/2000

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22497	11/15/99 12: 07	Di anne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal) -Absorption Systems	9	R317-507	12/01/99	02/16/2000
22498	11/15/99 12: 07	Di anne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal) -Plan Information for Individual Wastewater Disposal Systems	3	R317-508	12/01/99	02/16/2000
22499	11/15/99 12: 07	Di anne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal) -Design, Installation, and Maintenance of Sewage Holding Tanks	3	R317-509	12/01/99	02/16/2000
22500	11/15/99 12: 07	Di anne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal) -Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments	4	R317-510	12/01/99	02/16/2000
22501	11/15/99 12: 07	Di anne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal) -Percolation Test Requirements	3	R317-511	12/01/99	02/16/2000
22502	11/15/99 12: 07	Di anne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal) -Approved Building Sewer Pipe and Distribution Pipe for Individual Wastewater Disposal Systems	3	R317-512	12/01/99	02/16/2000
22503	11/15/99 12: 07	Di anne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Repeal) -Recommendations for the Maintenance of Septic Tanks and Absorption Systems	3	R317-513	12/01/99	02/16/2000
22504	11/15/99 12: 34	Carol B. Lear	Professional Practices Advisory Commission, Administration	Proposed Rule (Amendment) -Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	10	R686-100	12/01/99	01/05/2000
22505	11/15/99 12: 34	Carol B. Lear	Professional Practices Advisory Commission, Administration	Proposed Rule (Amendment) -Professional Practices and Conduct for Utah Educators	3	R686-103	12/01/99	01/05/2000
22506	11/15/99 15: 00	Jilene Whitty	Insurance, Administration	Proposed Rule (New) -Valuation of Life Insurance Policies Rule	7	R590-198	12/01/99	01/04/2000
22507	11/15/99 15: 51	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment) -Naturopathic Physician Practice Act Rules	3	R156-71	12/01/99	01/04/2000
22508	11/15/99 17: 10	Pain Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment) -Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Section 59-2-102 and 59-2-1101	2	R884-24P-44	12/01/99	01/20/2000

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22509	11/16/99 08: 16	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Nurse License Compact Rules	4	R156-31c	Not Printed	01/01/2000
22510	11/16/99 08: 16	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Qualifications for Application for Grants for Amateur Boxing	4	R156-66a-301	Not Printed	12/17/99
22511	11/16/99 08: 16	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Definitions	3	R156-73-102	Not Printed	12/09/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22512	11/16/99 10:28	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment) -Utah Medicaid Program	3	R414-1	12/15/99	01/26/2000
22513	11/23/99 09:20	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (New)-Home and Community Based Waivers	2	R414-61	12/15/99	see CPR Feb. 15 '00 Bulletin
22514	11/24/99 08:32	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment) -Licensee Conduct	4	R162-6	12/15/99	01/27/2000
22515	11/24/99 11:21	Rod L. Betit	Health, Community and Family Health Services, Health Education Services	Nonsubstantive Change-Birth Defects Reporting	3	R402-5	Not Printed	12/17/99
22516	11/29/99 07:47	Rod L. Betit	Health, Epidemiology and Laboratory Services, Laboratory Improvement	Proposed Rule (Amendment) -Rules for the Certification of Environmental Laboratories	10	R444-14	12/15/99	03/01/2000
22378	11/29/99 11:07	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Change in Proposed Rule-Coverage Groups	2	R414-303	12/15/99	01/26/2000
22449	11/30/99 13:27	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Amendments to the IPC	6	R156-56-706	12/15/99	01/18/2000
22517	11/30/99 13:37	Carol B. Lear	Education, Administration	Five-Year Review (120-Day Extension) - Capital Outlay Equalization Qualification	1	R277-430	12/15/99	12/01/99
22518	12/01/99 12:13	Karen McCreary	Regents (Board of), University of Utah, Administration	Five-Year Review-Operating Regulations for Bicycles, Skateboards and Scooters	1	R805-1	12/15/99	12/01/99
22519	12/01/99 13:07	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment) -Taking Big Game	11	R657-5	12/15/99	see CPR Jan. 1, '00 Bulletin
22520	12/01/99 13:07	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment) -Taking Upl and Game	4	R657-6	12/15/99	01/18/2000
22521	12/01/99 13:07	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment) -Dedicated Hunter Program	3	R657-38	12/15/99	01/18/2000
22522	12/01/99 14:02	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment) -Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	6	R884-24P-62	12/15/99	01/20/2000
22523	12/01/99 15:19	Jilene Whitby	Insurance, Commission	Nonsubstantive Change-Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	4	R590-194	Not Printed	12/17/99
22417	12/01/99 15:19	Jilene Whitby	Insurance, Administration	Change in Proposed Rule-Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	4	R590-196	12/15/99	02/01/2000

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22524	12/02/1999 10:07	R. Lee Ellertson	Labor Commissioner, Occupational Safety and Health	Nonsubstantive Change- Incorporation of Federal Standards	4	R614-1-4	Not Printed	01/25/2000
22525	12/02/1999 16:25	Carol B. Lear	Education, Administration	Nonsubstantive Change-Distribution of Funds to Arts and Sciences Organizations	5	R277-444	Not Printed	12/24/1999
22526	12/02/1999 16:25	Carol B. Lear	Education, Administration	Nonsubstantive Change-The State School Building Program	4	R277-451	Not Printed	12/24/1999
22527	12/02/1999 16:25	Carol B. Lear	Education, Administration	Nonsubstantive Change-Oversight of School Inspections	3	R277-471	Not Printed	12/24/1999
22528	12/02/1999 16:25	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)- Driver Education Endorsement	3	R277-507	01/01/2000	02/01/2000
22529	12/03/1999 10:22	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)- Children's Organ Transplants	3	R414-58	01/01/2000	02/17/2000
22530	12/06/1999 14:10	Barbara Stroud	Public Service Commission, Administration	Nonsubstantive Change-Definitions	4	R746-360-2	Not Printed	01/25/2000
22531	12/07/1999 07:53	Tamy L. Scott	Transportation, Ports of Entry	Proposed Rule (Amendment)- Changes in Utah's Oversize/Overweight Permit Program - Semi trailer Exceeding 48 Feet Length	2	R912-14	01/01/2000	02/15/2000
22532	12/07/1999 11:38	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Section XXII, General Conformity	4	R307-110-30	Not Printed	12/23/1999
22533	12/07/1999 11:38	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Determining Conformity	4	R307-115-1	Not Printed	Withdrawn by Agency 01/12/2000
22534	12/09/1999 11:15	Rod L. Betit	Health, Health Systems Improvement, Emergency Medical Services	Proposed Rule (Amendment)- Emergency Medical Services Grants Program Rules	3	R426-6	01/01/2000	
22535	12/09/1999 11:16	Rod L. Betit	Health, Health Systems Improvement, Emergency Medical Services	Five-Year Review-Emergency Medical Services Do Not Resuscitate	1	R426-100	01/01/2000	12/09/1999
22536	12/09/1999 16:23	David A. Beach	Public Safety, Driver License	Proposed Rule (Amendment)- Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	2	R708-14	01/01/2000	02/01/2000
22537	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Utah Hazardous Waste Definitions and References	4	R315-1-1	Not Printed	01/25/2000
22538	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-General Requirements - Identification and Listing of Hazardous Waste	10	R315-2	Not Printed	01/25/2000

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22539	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	13	R315-3	Not Printed	01/25/2000
22540	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Mami Fest	4	R315-4	Not Printed	12/31/1999
22541	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Hazardous Waste Generator Requirements	3	R315-5	Not Printed	01/25/2000
22542	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	10	R315-7	Not Printed	01/25/2000
22543	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	11	R315-8	Not Printed	01/25/2000
22544	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Land Disposal Restrictions	3	R315-13	Not Printed	01/25/2000
22545	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Standards for Universal Waste Management	6	R315-16	Not Printed	01/25/2000
22546	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Appendices	3	R315-50	Not Printed	01/25/2000
22547	12/10/1999 10:43	Dennis R. Downs	Environmental Safety, Solid and Hazardous Waste	Nonsubstantive Change-Cleanup Action and Risk-Based Closure Standards	4	R315-101	Not Printed	01/25/2000
22214	12/10/1999 14:19	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Coal	Change in Proposed Rule-Engineering	3	R645-301-500	01/01/2000	02/01/2000
22548	12/13/1999 10:35	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Employee Leasing Companies	3	R994-202-103	01/01/2000	02/02/2000
22549	12/13/1999 13:20	Barbara Stroud	Public Service Commission, Administration	Five-Year Review-Rules Governing Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets by Certain Public Utilities	1	R746-401	01/01/2000	12/13/1999
22550	12/13/1999 13:48	Barbara Stroud	Public Service Commission, Administration	Nonsubstantive Change-Rules Governing Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets by Certain Public Utilities	5	R746-401	Not Printed	01/25/2000
22551	12/14/1999 10:24	Jilene Whitty	Insurance, Administration	Five-Year Review-Individual and Small Employer Health Insurance Rule	1	R590-167	01/01/2000	12/14/1999

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22552	12/14/1999 11:45	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide	2	R307-110-11	01/01/2000	02/10/2000
22553	12/14/1999 11:45	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Section XI, Other Control Measures for Mobile Sources	2	R307-110-19	Not Printed	Withdrawn by Agency 12/21/1999
22554	12/14/1999 14:27	John Andrews	School and Institutional Trust Lands, Administration	Proposed Rule (Repeal and Reenact)-Procurement	5	R850-11	01/01/2000	02/01/2000
22555	12/14/1999 16:28	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Release of Information	4	R527-200	01/01/2000	02/01/2000
22556	12/14/1999 16:28	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Administrative Procedures	7	R710-1	01/01/2000	02/01/2000
22557	12/15/1999 14:00	Brent R. Halladay	Public Safety, Fire Marshal	Proposed Rule (Amendment)-Concerns Servicing Portable Fire Extinguishers	3	R710-2	01/01/2000	02/01/2000
22558	12/15/1999 14:00	Brent R. Halladay	Public Safety, Fire Marshal	Proposed Rule (Amendment)-Rules Pursuant to Utah Fireworks Act	3	R710-6	01/01/2000	02/01/2000
22559	12/15/1999 14:00	Brent R. Halladay	Public Safety, Fire Marshal	Proposed Rule (Amendment)-Liquefied Petroleum Gas Rules	4	R710-7	01/01/2000	02/01/2000
22560	12/15/1999 14:00	Brent R. Halladay	Public Safety, Fire Marshal	Proposed Rule (Amendment)-Concerns Servicing Automatic Fire Suppression Systems	3	R710-8	01/01/2000	02/01/2000
22561	12/15/1999 14:00	Brent R. Halladay	Public Safety, Fire Marshal	Change in Proposed Rule-Taking Big Game	2	R657-5	01/01/2000	02/01/2000
22519	12/15/1999 15:09	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (New)-Trust Fund Permits	4	R657-47	01/01/2000	02/01/2000
22562	12/15/1999 15:09	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Repeal)-Year Round School and Effective Facility Use Program	3	R277-404	01/01/2000	02/01/2000
22563	12/15/1999 16:48	Carol B. Lear	Education, Administration	Proposed Rule (Repeal)-Capital Outlay Equalization Qualification	2	R277-430	01/01/2000	02/01/2000
22564	12/15/1999 16:48	Carol B. Lear	Education, Administration	Five-Year Review-Certification Requirements for Interpreters for the Hearing Impaired	1	R280-203	01/01/2000	12/15/1999
22565	12/15/1999 16:48	Carol B. Lear	Education, Applied Technology Education (Board for), Rehabilitation	Proposed Rule (Amendment)-Standards of Quality for Waters of the State	15	R317-2	01/01/2000	12/15/1999
22566	12/15/1999 17:13	Dianne R. Nielson	Environmental Quality, Water Quality	120-Day (Emergency) Rule-Capitol Hill Facility Use	4	R131-2	01/01/2000	12/15/1999
22567	12/15/1999 18:10	David H. Hart	Capitol Preservation Board (State), Administration	Proposed Rule (New)-Capitol Hill Facility Use	5	R131-2	01/01/2000	12/15/1999
22568	12/15/1999 18:10	David H. Hart	Capitol Preservation Board (State), Administration					

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22569	12/16/1999 10:57	Pam Hendrickson	Tax Commission, Property Tax	120-Day (Emergency) Rule-2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	8	R884-24P-33	01/15/2000	12/16/1999 for 120 days
22318	12/16/1999 14:23	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Pharmacy Practice Act Rules	5	R156-17a	01/15/2000	02/15/2000
22478	12/16/1999 14:23	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Factory Built Housing Dealer Bonds	2	R156-56-602	01/15/2000	02/15/2000
22398	12/16/1999 14:23	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Utah Uniform Building Standard Act Rules	4	R156-56	01/15/2000	02/15/2000
22570	12/16/1999 15:01	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Utah Medical Practice Act Rules	R156-67			Withdrawn by Agency 12/20/1999
22571	12/16/1999 18:27	David H. Hart	Capitol Preservation Board (State), Administration	120-Day Emergency Rule-Procurement of Architectural and Engineering Services	3	R131-1	01/15/2000	12/16/1999 for 120 days
22572	12/16/1999 18:27	David H. Hart	Capitol Preservation Board (State), Administration	Proposed Rule (New)-Procurement of Architectural and Engineering Services	3	R131-1	01/15/2000	
22573	12/17/1999 09:29	David H. Hart	Capitol Preservation Board (State), Administration	120-Day (Emergency) Rule-State Capitol Preservation Board Master Planning Policy	2	R131-7	01/15/2000	12/17/1999 for 120 days
22574	12/17/1999 09:29	David H. Hart	Capitol Preservation Board (State), Administration	Proposed Rule (New)-State Capitol Preservation Board Master Planning Policy	2	R131-7	01/15/2000	
22575	12/20/1999 10:39	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Five-Year Review-Collection of Contributions	1	R994-305	01/15/2000	12/20/1999
22576	12/20/1999 11:40	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Quality Review Program	2	R156-31b-304	01/15/2000	02/15/2000
22577	12/20/1999 11:40	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Issuing a License	2	R156-31c-201	01/15/2000	02/15/2000
22578	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Medicaid Certification of New Nursing Facilities	1	R414-7A	01/15/2000	12/20/1999
22579	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Nurse Aide Training and Competency Evaluation Program	1	R414-7B	01/15/2000	12/20/1999
22580	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Podiatry Services	1	R414-11	01/15/2000	12/20/1999

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22581	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Home Health Service	1	R414-14	01/15/2000	12/20/1999
22582	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Hospital Care	1	R414-14A	01/15/2000	12/20/1999
22583	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Mental Health Clinic Services	1	R414-25	01/15/2000	12/20/1999
22584	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Inpatient Psychiatric Services for Individuals Under Age 21 in Psychiatric Facilities or Programs	1	R414-31	01/15/2000	12/20/1999
22585	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Dental Service	1	R414-49	01/15/2000	12/20/1999
22586	12/20/1999 11:51	Rod L. Betit	Health, Health Care Financing, Coverage Reimbursement Policy	Five-Year Review-Dental, Oral and Maxillofacial Surgeons	1	R414-50	01/15/2000	12/20/1999
22587	12/23/1999 13:06	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Advisory Peer Committees - Director to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	3	R156-1-205	01/15/2000	02/15/2000
22588	12/23/1999 13:06	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Psychologist Licensing Act Rules	3	R156-61	01/15/2000	02/15/2000
22589	12/28/1999 13:49	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Utah Professional Boxing Regulation Act Rules	2	R156-66	01/15/2000	02/15/2000
22489	12/28/1999 15:30	Jilene Whitty	Insurance, Administration	Change in Proposed Rule-Fiduciary and Trust Account Obligations	3	R590-170	01/15/2000	03/07/2000
22590	12/29/1999 15:53	Amy Naccarato	Lieutenant Governor, Elections	Nonsubstantive Change-Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	5	R623-1	Not Printed	01/25/2000

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22591	01/03/2000 10:39	R. Lee Ellertson	Labor Commission, Anti-discrimination and Labor, Fair Housing	Nonsubstantive Change-Reliance on Federal Law	4	R608-1-3	Not Printed	01/25/2000

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22592	01/03/2000 15:11	R. Lee Ellertson	Labor Commission, Industrial Accidents	Five-Year Review-Designation of the Initial Assessment of Noncompliance Penalties as an "Informal" Proceeding	1	R612-8	02/01/2000	01/03/2000
22593	01/03/2000 16:21	Carol B. Lear	Education, Administration	Nonsubstantive Change-Reading Performance Improvement Awards Program	4	R277-472	Not Printed	01/25/2000
22594	01/04/2000 10:53	Kevin S. Carter	School and Institutional Trust Lands, Administration	Five-Year Review-Expedited Rulemaking	1	R850-10	02/01/2000	01/04/2000
22595	01/05/2000 14:19	Jilene Whitby	Insurance, Administration	Nonsubstantive Change-Valuation of Life Insurance Policies Rule	10	R590-198	Not Printed	01/25/2000
22596	01/11/2000 15:44	Cary G. Peterson	Agriculture and Food, Regulatory Services	Five-Year Review-Water Vending Machine	1	R70-630	02/01/2000	01/11/2000
22597	01/11/2000 15:44	Cary G. Peterson	Agriculture and Food, Regulatory Services	Proposed Rule (Amendment)-Water Vending Machine	3	R70-630	02/01/2000	03/03/2000
22598	01/13/2000 15:53	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-General Provisions	8	R313-12	02/01/2000	
22599	01/13/2000 15:53	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Standards for Protection Against Radiation	13	R313-15	02/01/2000	
22600	01/13/2000 15:53	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	4	R313-16	02/01/2000	
22601	01/13/2000 15:53	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Specific Licenses	19	R313-22	02/01/2000	
22602	01/13/2000 15:53	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-License Requirements for Land Disposal of Radioactive Waste - General Provisions	10	R313-25	02/01/2000	
22603	01/13/2000 15:53	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Requirements for Irradiators	3	R313-34	02/01/2000	
22604	01/14/2000 08:32	Kevin W. Brown	Environmental Quality, Drinking Water	Proposed Rule (New)-Compliance and Enforcement: Administrative Penalty	3	R309-405	02/01/2000	
22605	01/14/2000 09:51	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Emission Inventories	3	R307-150	02/01/2000	
22606	01/14/2000 09:51	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Permit Applications: Duty to Apply	3	R307-415-5a	02/01/2000	
22607	01/14/2000 12:42	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Offsets: Banking of Emission Offset Credit	3	R307-403-8	Not Printed	01/25/2000
22608	01/14/2000 16:11	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Comprehensive Guidance Program		R277-462		Withdrawn by Agency 1/20/2000

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22609	01/14/2000 16:11	Carol B. Lear	Education, Administration	Proposed Rule (New)-Educator Licensing Renewal	9	R277-501	02/01/2000	03/03/2000
22610	01/14/2000 16:11	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Truancy Prevention	4	R277-607	02/01/2000	03/03/2000
22611	01/14/2000 16:11	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Applied Technology Center and Service Region Standards and Operating Procedures	3	R277-904	02/01/2000	03/03/2000
22612	01/14/2000 16:39	Amy Naccarato	Lieutenant Governor, Elections	Proposed Rule (Amendment)-Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	3	R623-1	02/01/2000	03/03/2000

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22613	01/15/2000 11:38	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Zoned Waters	3	R651-205	02/15/2000	
22614	01/18/2000 13:44	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Waiver of Penalty for Failure to Report	2	R994-315-105	02/15/2000	
22615	01/18/2000 14:55	Reta D. Oram	Human Services, Administration, Administrative Services, Licensing	Proposed Rule (Amendment)-Foster Care Rules (DAR Note: Wrong form was used--refiled under DAR No. 22629)		R501-12		Invalid Filing 01/27/2000
22616	01/20/2000 10:16	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301		R884-24P-33		Withdrawn by Agency 01/24/2000
22617	01/24/2000 10:04	Sterling C. Davis	Transportation, Operations, Traffic and Safety	Proposed Rule (Amendment)-Tramway Operations Safety Rules	3	R920-50	02/15/2000	
22618	01/24/2000 11:56	John Andrews	School and Institutional Trust Lands, Administration	Proposed Rule (Repeal and Reenact)-Procurement	4	R850-11	02/15/2000	
22619	01/24/2000 12:13	C. Ronald Stromberg	Human Services, Aging and Adult Services	Five-Year Review-Adult Protective Services	1	R510-302	02/15/2000	01/24/2000
22620	01/24/2000 12:13	C. Ronald Stromberg	Human Services, Aging and Adult Services	Nonsubstantive Change-Adult Protective Services	5	R510-302	Not Printed	Withdrawn by Agency 02/14/2000
22621	01/25/2000 15:17	Jilene Whitby	Insurance, Administration	Nonsubstantive Change-Treatment of Guaranty Association Assessments as Qualified Assets	4	R590-197	Not Printed	02/25/2000
22622	01/26/2000 07:55	Rod L. Betit	Health, Health Systems Improvement, Primary Care and Rural Health	Proposed Rule (Amendment)-Special Population Health Care Provider Financial Assistance Program	8	R434-20	02/15/2000	

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22513	01/26/2000 13:23	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Change in Proposed Rule-Home and Community Based Waivers	1	R414-61	02/15/2000	
22623	01/26/2000 16:22	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-General Requirements: State Implementation Plan	6	R307-110	Not Printed	02/25/2000
22624	01/28/2000 10:43	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment)-Administrative Procedures	2	R162-10	02/15/2000	
22625	01/28/2000 10:43	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment)-Scope of Authority	2	R162-105	02/15/2000	
22626	01/28/2000 10:43	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment)-Professional Conduct	3	R162-106	02/15/2000	
22627	01/28/2000 10:56	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	9	R884-24P-33	02/15/2000	
22628	01/31/2000 11:34	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Non-AFDC Services	3	R527-34-1	02/15/2000	
22629	01/31/2000 12:41	Reta D. Oram	Human Services, Administrative, Licensing	Proposed Rule (Amendment)-Foster Care Rules	5	R501-12	02/15/2000	
22630	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Specialty Hospital - Psychiatric Hospital Construction	1	R432-7	02/15/2000	02/01/2000
22631	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Specialty Hospital - Chemical Dependency/Substance Abuse Construction	1	R432-8	02/15/2000	02/01/2000
22632	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Specialty Hospital - Rehabilitation Construction Rule	1	R432-9	02/15/2000	02/01/2000
22633	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Specialty Hospital - Chronic Disease Construction Rule	1	R432-10	02/15/2000	02/01/2000
22634	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Orthopedic Hospital Construction	1	R432-11	02/15/2000	02/01/2000
22635	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Small Health Care Facility (Four to Sixteen Beds) Construction Rule	1	R432-12	02/15/2000	02/01/2000
22636	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Freestanding Ambulatory Surgical Center Construction Rule	1	R432-13	02/15/2000	02/01/2000

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22637	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Birthing Center Construction Rule	1	R432-14	02/15/2000	02/01/2000
22638	02/01/2000 10:06	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Adjudicative Procedure	1	R432-30	02/15/2000	02/01/2000
22639	02/01/2000 10:56	Kenneth F. Wynn	Alcoholic Beverage Control, Administration	Proposed Rule (Amendment)-Disciplinary Hearings	9	R81-1-7	02/15/2000	
22640	02/01/2000 15:21	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Disability Coordination of Benefits Rule	5	R590-131	02/15/2000	
22641	02/01/2000 15:21	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	4	R590-153	02/15/2000	
22642	02/01/2000 15:34	S. Anthony Taggart	Commerce, Securities	Proposed Rule (New)-Investment Adviser - Unlawful Acts	3	R164-2	02/15/2000	
22643	02/01/2000 15:34	S. Anthony Taggart	Commerce, Securities	Proposed Rule (Amendment)-Licensing Requirements	10	R164-4	02/15/2000	
22644	02/01/2000 15:34	S. Anthony Taggart	Commerce, Securities	Proposed Rule (Amendment)-Exemptions	3	R164-14	02/15/2000	
22645	02/01/2000 16:13	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Renewal Dates	3	R156-1-308a	02/15/2000	

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22646	02/02/2000 15:32	Cary G. Peterson	Agriculture and Food, Plant Industry	Proposed Rule (Amendment)-Labeling or Agricultural Seed Varieties	2	R68-8-7	03/01/2000	
22647	02/04/2000 09:57	Kelley West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Selection of Exhibitors	2	R325-2-2	03/01/2000	
22648	02/07/2000 16:52	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Bait	2	R657-13-12	03/01/2000	
22649	02/07/2000 16:52	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Dedicated Hunter Program	5	R657-38	03/01/2000	
22650	02/07/2000 16:52	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Definitions	2	R657-41-2	03/01/2000	
22651	02/07/2000 16:52	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-The Use of Game Birds in Dog Field Trials and Training	3	R657-46	03/01/2000	
22652	02/08/2000 07:25	Tamy L. Scott	Transportation, Motor Carrier	Proposed Rule (Amendment)-Safety Regulations for Motor Carriers	2	R909-1	03/01/2000	

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22653	02/08/2000 15:00	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Characteristics of Hazardous Waste	4	R315-2-9	Not Printed	02/25/2000
22654	02/08/2000 15:00	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Hazardous Waste Incinerator Plan Approvals	5	R315-3-20	Not Printed	02/25/2000
22655	02/09/2000 14:37	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Assisted Living Facilities	1	R432-270	03/01/2000	02/09/2000
22656	02/10/2000 08:43	Emma Chacon	Human Services, Recovery Services	Five-Year Review-Retained Support	1	R527-40	03/01/2000	02/10/2000
22657	02/10/2000 09:04	Cary G. Peterson	Agriculture and Food, Regulatory Services	Five-Year Review-Grade A Pasteurized Milk	1	R70-310	03/01/2000	02/10/2000
22658	02/10/2000 09:04	Cary G. Peterson	Agriculture and Food, Regulatory Services	Proposed Rule (Amendment)-Grade A Pasteurized Milk	1	R70-310	03/01/2000	
22659	02/10/2000 13:15	C. Ronald Stromberg	Human Services, Aging and Adult Services	Proposed Rule (Amendment)-Adult Protective Services	3	R510-302	03/01/2000	
22660	02/10/2000 17:23	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Section XI, Other Control Measures for Mobile Sources	4	R307-110-19	Not Printed	02/25/2000
22661	02/14/2000 13:50	Reta D. Oram	Human Services, Core Standards for Adult Day Care Programs	Proposed Rule (Repeal and Reenact)-Core Standards for Adult Day Care Programs	12	R501-13	03/01/2000	
22662	02/14/2000 16:14	Dianne R. Nielson	Environmental Quality, Water Quality	Nonsubstantive Change-Onsite Wastewater Systems		R317-4		Withdrawn by Agency 02/25/2000
22663	02/15/2000 08:22	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Quality Review Program	3	R156-31b-304	Not Printed	02/24/2000
22664	02/15/2000 09:11	Justin Quigley	School and Institutional Trust Lands, Administration	Nonsubstantive Change-Application Procedures	3	R850-130-400	Not Printed	02/25/2000
22665	02/15/2000 10:52	Jilene Whitby	Insurance, Administration	Five-Year Review-Prohibited Transactions Between Agents and Unauthorized Multiple Employer Trusts	1	R590-88	03/01/2000	02/15/2000
22666	02/15/2000 10:52	Jilene Whitby	Insurance, Administration	Five-Year Review-Unfair Discrimination Based on the Failure to Maintain Automobile Insurance. (Revised.)	1	R590-128	03/01/2000	02/15/2000
22667	02/15/2000 10:52	Jilene Whitby	Insurance, Administration	Five-Year Review-Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	1	R590-132	03/01/2000	02/15/2000
22668	02/15/2000 16:12	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Repeal and Reenact)-Asbestos	22	R307-801	03/01/2000	
22669	02/15/2000 17:12	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Comprehensive Guidance Program	3	R277-462	03/01/2000	

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22670	02/15/2000 17:12	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Board Procedures: Sanctions for Misconduct	3	R277-514	03/01/2000	
22671	02/15/2000 17:12	Carol B. Lear	Professional Practices Advisory Commission, Administration	Proposed Rule (Amendment)-Professional Practices Advisory Commission, Rule of Procedure: Complaints and Hearings	10	R686-100	03/01/2000	
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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22672	02/16/2000 16:13	R. Lee Ellertson	Labor Commission, Occupational Safety and Health	Nonsubstantive Change-Discrimination	6	R614-1-10	Not Printed	
22673	02/16/2000 16:13	R. Lee Ellertson	Labor Commission, Anti-discrimination and Labor, Anti-discrimination	Nonsubstantive Change-Definitions	3	R606-1-2	Not Printed	
22674	02/16/2000 16:13	R. Lee Ellertson	Labor Commission, Anti-discrimination and Labor, Anti-discrimination	Nonsubstantive Change-Guidelines	4	R606-2-2	Not Printed	
22675	02/16/2000 16:13	R. Lee Ellertson	Labor Commission, Anti-discrimination and Labor, Anti-discrimination	Nonsubstantive Change-Procedures and Prohibitions	3	R606-3-2	Not Printed	
22676	02/16/2000 16:13	R. Lee Ellertson	Labor Commission, Anti-discrimination and Labor, Anti-discrimination	Nonsubstantive Change-Procedures and Prohibitions	3	R606-5-2	Not Printed	
22677	02/17/2000 17:17	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Employee Leasing Company Act Rules	6	R156-59	03/15/2000	
22678	02/18/2000 18:02	Douglas Richins	Administrative Services, Purchasing and General Services	Proposed Rule (Amendment)-Source Selection and Contract Formation	8	R33-3	03/15/2000	
22679	02/18/2000 18:02	Douglas Richins	Administrative Services, Purchasing and General Services	Proposed Rule (Amendment)-Construction and Architect-Engineer Selection	2	R33-5	03/15/2000	
22680	02/22/2000 11:08	Karl Kappe	Natural Resources: Forestry, Fire and State Lands	Proposed Rule (Amendment)-Utah Lake Agricultural Leases	2	R652-30-610	03/15/2000	
22681	02/22/2000 11:08	Karl Kappe	Natural Resources: Forestry, Fire and State Lands	Proposed Rule (Amendment)-Utah Lake Grazing Permits	2	R652-50-610	03/15/2000	
22682	02/23/2000 11:39	Grant S. Whittaker	Housing Finance Agency, Administration	Five-Year Review-Authority and Purpose	1	R460-1	03/15/2000	02/23/2000
22683	02/23/2000 11:39	Grant S. Whittaker	Housing Finance Agency, Administration	Five-Year Review-Additional Servicing Rules	1	R460-4	03/15/2000	02/23/2000
22684	02/23/2000 11:39	Grant S. Whittaker	Housing Finance Agency, Administration	Five-Year Review-Administrative Proceedings	1	R460-6	03/15/2000	02/23/2000

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22685	02/23/2000 11:39	Grant S. Whitaker	Housing Finance Agency, Administration	Five-Year Review-Public Petitions for Declaratory Orders	1	R460-7	03/15/2000	02/23/2000
22686	02/23/2000 13:50	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Amount of Credit	3	R307-121-2	Not Printed	
22687	02/23/2000 13:50	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Amount of Credit	4	R307-122-2	Not Printed	
22688	02/23/2000 15:23	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-General Conformity	4	R307-115	Not Printed	
22689	02/24/2000 15:05	Robert C. Gross	Workforce Services, Employment Development	Proposed Rule (Amendment)-Limits on Eligibility, Time Limits	2	R986-212-218	03/15/2000	
22690	02/24/2000 15:05	Robert C. Gross	Workforce Services, Employment Development	Proposed Rule (Amendment)-Demonstration Programs	2	R986-221	03/15/2000	
22691	02/25/2000 18:12	Don Ostler	Environmental Quality, Water Quality	Nonsubstantive Change-Onsite Wastewater Systems	34	R317-4	Not Printed	
22692	03/01/2000 12:04	Emma Chacon	Human Services, Recovery Services	Five-Year Review-Disclosure of Information to the Office of Recovery Services	1	R527-10	03/15/2000	03/01/2000
22693	03/01/2000 14:41	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Fishing Contests	2	R657-13-4	03/15/2000	
22694	03/01/2000 14:56	Reta D. Oram	Human Services, Administrative Services, Licensing	Proposed Rule (Repeal)-Categorical Standards	9	R501-3	03/15/2000	
22695	03/01/2000 14:56	Reta D. Oram	Human Services, Administrative Services, Licensing	Proposed Rule (New)-Residential Treatment Programs	4	R501-19	03/15/2000	
22696	03/01/2000 14:56	Reta D. Oram	Human Services, Administrative Services, Licensing	Proposed Rule (New)-Day Treatment Programs	3	R501-20	03/15/2000	
22697	03/01/2000 14:56	Reta D. Oram	Human Services, Administrative Services, Licensing	Proposed Rule (New)-Outpatient Treatment Programs	4	R501-21	03/15/2000	
22698	03/01/2000 14:56	Reta D. Oram	Human Services, Administrative Services, Licensing	Proposed Rule (New)-Residential Support Programs	4	R501-22	03/15/2000	
22699	03/01/2000 16:35	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Amendment)-Utilization and Isolation of Domestic Wastewater Treatment Works Effluent	5	R317-1-4	03/15/2000	